CODIFIED ORDINANCES OF YORK

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TITLE ONE - Zoning Ordinance

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ARTICLE 1301
Short Title, Purpose

1301.01 Short title.
1301.02 General purpose.
1301.03 Community development objectives.
1301.04 Fair Housing Amendments Act information statement.
1301.05 City of York Human Relations Statement.

1301.01 SHORT TITLE.
This Planning and Zoning Code shall be known and may be cited as the "City of York Zoning Ordinance of 2011."

1301.02 GENERAL PURPOSE.
The zoning regulations and districts set forth herein have been made in accordance with the City's community development goals designed to address:

a) **HEALTH, SAFETY AND WELFARE** - Promote, protect and facilitate any or all of the following:
   1) Public health, safety, morals and general welfare;
   2) Coordinated and practical community development and proper density of population;
   3) Emergency management preparedness and operations and national defense facilities;
   4) Provision of adequate light and air to provide a healthy community;
   5) Provision of adequate police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds and safe reliable water supply; and
   6) Preservation of natural, scenic and historic resources and preservation of wetlands and floodplains.

b) **OVERCROWDING** - To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

c) **COMMUNITY GROWTH** - To accommodate reasonable community growth including population and employment growth, and opportunities for development/redevelopment of a variety of residential dwelling types and nonresidential uses.

d) **ECONOMIC STABILITY** - To facilitate appropriate development and redevelopment activities while protecting the tax base and encouraging economy in public expenditures.

e) **QUALITY OF LIFE** - To facilitate orderly, safe and aesthetically pleasing development/redevelopment within an urban environment that enhances the quality of life for current and future residents of the City.

1301.03 COMMUNITY DEVELOPMENT OBJECTIVES.

a) **LAND USE** - To achieve a balance of land uses required to create a desired level of community sustainability.

b) **HISTORIC RESOURCES**- To preserve cultural and historic resources to maintain a sense of place.

c) **TRANSPORTATION**- To provide safety, mobility and accessibility for all modes of travel.

d) **PUBLIC FACILITIES AND SERVICES** - To provide adequate public facilities and services.

e) **NEIGHBORHOOD REVITALIZATION**- To strengthen and revitalize neighborhoods that are the building blocks of a sustainable community.

f) **RECREATION FACILITIES AND SERVICES**- To provide adequate recreational facilities and services to create a healthy community.

g) **DOWNTOWN** - To preserve, revitalize and enhance the downtown as the central business district for the City and the Greater York Region.

h) **WATERFRONT, GREENWAYS AND OPEN SPACE**- To preserve natural resources through reservation of open space and greenways along waterways for public access and enjoyment.

i) **INSTITUTIONS** - To acknowledge the important role that colleges, universities, learning centers, hospitals, health care clinics and similar institutions play in the overall health, education and well-being of citizens, and to reasonably accommodate such uses.

j) **HOUSING**- To provide safe, decent and affordable housing for households of all ages and of all income levels.

1301.04 FAIR HOUSING AMENDMENTS ACT INFORMATION STATEMENT.
The City of York recognizes its obligations pursuant to the Fair Housing Amendments Act ('Act'). In accordance with the Act, the City of York does not discriminate against people with disabilities. The City shall grant reasonable accommodations to afford people with disabilities the same opportunity to housing as those who are without disabilities. Individuals seeking a reasonable accommodation under the Act should contact the City's Zoning Officer. This statement should not be considered as a comprehensive explanation of the applicant's rights under the Act.

1301.05 CITY OF YORK HUMAN RELATIONS STATEMENT.
The City of York has established a public policy regarding discrimination against individuals or groups. In this Zoning Ordinance, the City of York does not intend to discriminate against individuals or groups as addressed within the City of York Fair Housing Codified Ordinance - Article 185 Human Relations. Those seeking a reasonable accommodation under the Fair Housing Codified ordinance should contact the City of York Zoning Officer. This statement shall not be considered as a comprehensive explanation of an applicant's rights under this Ordinance, or any other local, state, or federal statute.

ARTICLE 1302
Definitions

1302.01 Definitions, interpretation and specific meanings.

1302.02 Terms and definitions.

1302.01 DEFINITIONS, INTERPRETATION AND SPECIFIC MEANINGS.

Words and phrases shall be presumed to be in their ordinary context unless such word(s) or phrase(s) is defined or interpreted differently within this section. Words used in the present tense shall also imply the future, the singular shall include the plural and vice versa. The word "person" shall include a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "shall" or "must" is always mandatory. Terms using male gender include the female gender.

1302.02 TERMS AND DEFINITIONS.

The following words and phrases are hereby defined in this article and shall have the particular meaning assigned by this Article in the appropriate sections in this Zoning Ordinance.

ABANDONED VEHICLES

a) **ABANDONED VEHICLES**- A vehicle shall be presumed abandoned under any of the following circumstances:
   1) The vehicle is physically inoperable and/or is missing parts so that it is not maintained for driving, and
   2) The vehicle does not bear any or all of the following:
      A. A valid registration plate, or
      B. A current certificate of inspection.

   Vehicles with a Commonwealth Certificate of Salvage and that are stored at a salvor or salvage program awaiting to be destroyed, dismantled, salvaged or recycled shall not be included in this definition.

b) **SALVOR OR SALVAGE PROGRAM**- Activities of an established place of business in the trade of buying, selling or exchanging used, wrecked or abandoned vehicles with a Commonwealth Certificate of Salvage or for which an application has been made and other industrial recyclable materials for the purpose of being destroyed, dismantled, salvaged or recycled.

ABANDONMENT
A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped. Such non-conformity use shall not therefore be reinstated except in conformance with this Ordinance. Vacancy does not constitute abandonment of the nonconforming status of the use.

ACCESSORY DWELLING UNIT
See §1304.01-1.04.005.

ACCESSORY STRUCTURE / GARAGE
See §1304.01-7.01

ACCESSORY SUPPLY UTILITY
See §1304.01-7.09.

ADULT CARE HOME
See §1304.01-3.09.001.astern1971

ADULT CARE FACILITY
See §1304.01-3.09.002.

ADULT ENTERTAINMENT FACILITY
See §1304.01-4.01.001.

AGENT
Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated City Official for the purpose of obtaining approval thereof.

AIRPORT - GENERAL
See §1304.01-4.02.001.

ALTERATION
As applied to a building or structure. A change or re-arrangement in the structural parts or exit facilities, an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another within the structure.

AMUSEMENT DEVICE
A device, other than a jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee, and shall include but shall not be limited to pinball machines, electronic video display games, billiard tables, simulated sport machines and bio-rhythm machines. One or two machines shall be considered an accessory use.

ANIMAL UNIT
The maximum number of animals allowed at a dwelling unit or building that will meet the minimum nuisance standards of Article 705, Animal and Fowl, of the City of York Codified Ordinances.

APARTMENT COMBINED WITH A COMMERCIAL USE
See §1304.01-1.03.001.

APPLICANT
Any landowner, developer, leaseholder or his authorized agent, including his heirs, successors and assigns, who submit plans, data and/or applications to the Zoning Officer or other designated City Official for the purpose of obtaining approval thereof.

APPLICATION FOR DEVELOPMENT
Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

APPOINTING AUTHORITY
The Mayor of the City of York, with respect to the appointment of members to the City of York Planning Commission. (City Council, defined herein as the "Governing Body" has the authority to appoint members to the Zoning Hearing Board.)

ARCHITECTURAL FRONTAGE
An exterior wall of a building which has been designed to appear as a front of a building.

AREA

a) **GROSS LOT AREA -** The area contained within the property lines of an individual parcel of land excluding any area within a street right-of-way, but including the area of any easement or future street right-of-way**.**

b) **BUILDING AREA-** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings.

c) **FLOOR AREA-** The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Zoning Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment**.**

d) **FLOOR AREA RATIO-** The maximum amount of floor area based upon the number of floors divided by the net site area.

e) **HABITABLE FLOOR AREA -** A room or enclosed floor space to be used for living, sleeping, cooking or eating purposes excluding bathrooms, toilet compartments, laundries, foyers, closets, pantries, utility spaces, stairways, basement recreation rooms and storage spaces. The minimum habitable floor area shall be four hundred (400) square feet or two hundred (200) square feet per person, whichever is greater.

f) **NET SITE AREA-** The total area of a proposed development excluding unusable land regardless of interior easements. The area remaining after unusable land is subtracted from the gross site area**.**

g) **OPEN AREA-** That portion of a lot remaining in natural ground cover. Building area and impervious surfaces shall not be considered part of the open area.

h) **SITE AREA -** The total area of a proposed development, regardless of interior lot lines or proposed lots, streets or easements.

ART GALLERY
See §1304.01-3.02.003.

AUTHORITY
A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

BANK/CREDIT UNION
See §1304.01-4.03.001.

BASEMENT
A portion of a building partly underground, but having less than half its clear height, as measured from floor to ceiling, below grade. A basement shall be counted as a story for the purpose of height measurement and determining floor area.

BED & BREAKFAST
See §1304.01-4.05.001.

BLOCK
Property abutting on one side of a street and situated between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, un-subdivided area or other definite barrier.

BOARD
Anyone granted jurisdiction under a land use ordinance or under this act to render final adjudications.

BUFFERING
Open area as defined in "Area" but whose dimension normally exceeds the normal building setback or yard requirement.

BUILDING

a) **BUILDING -** A structure having a roof that is used for the shelter or enclosure of people, animals or property. The word "building" shall include any part thereof.

b) **ACCESSORY BUILDING -** A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building including, but not limited to, private garages, carports, utility buildings, tool sheds and noncommercial greenhouses. Any portion of a principal building devoted, or intended to be devoted, to an accessory use is not an accessory building.

c) **ATTACHED BUILDING-** Abuilding which has two (2) or more party walls in common with adjacent buildings.

d) **PRINCIPAL BUILDING -** A building on a lot where the principal use of the lot is conducted. In any residential district any structure containing a dwelling unit shall be deemed to be the principal building on the lot on which such building is situated.

e) **BUILDING ENVELOPE/BUILDING AREA -** The maximum area on a lot within which a structure can be built as permitted by applicable setbacks, yard and maximum building coverage requirements.

f) **BUILDING COVERAGE-** Percentage of the plot or lot area covered by the building area.

g) **BUILDING HEIGHT-** A vertical distance measured from the mean elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.

h) **BUILDING SETBACK LINE or BUILDING LINE-** A line within and across a lot defining the required minimum yard between any structure and any adjacent street line.

i) **DETACHED BUILDING -** A freestanding building that does not abut any other building where all sides of the building are surrounded by yards or open areas within the lot.

j) **SEMI-DETACHED BUILDING-** A building which has only one (1) party wall in common with an adjacent building where the remaining sides of the building are surrounded by open areas or street lines.The end buildings of a row of attached buildings are considered semi-detached buildings.

k) **STORY-** That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five percent (75%) or more of its wall area above grade level.

l) **HALF-STORY**- A story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

BUILDING FRONT
An exterior wall of a building which faces a public street or right-of-way.

BUILDING PERMIT
Any permit required by this Zoning Ordinance or the Building Code for the construction, grading, alteration, razing or change of use of any structure.

BULK-PLANT
See §1304.01-6.02.001.

BUSINESS
A commercial enterprise or establishment, either for-profit or non-profit.

BUSINESS, FINANCIAL, PROFESSIONAL OFFICE
See §1304.01-4.03.002.

BUSINESS SERVICE ESTABLISHMENT
See §1304.01-4.03.003.

CARTWAY
The surface of a street or alley available for vehicular traffic or the area between curbs.

CARWASH / DETAILING
See §1304.01-4.06.004.

CELLAR
A portion of a building partly underground having half or more than half of its clear height, as measured from floor to ceiling, below grade. A cellar shall not be considered in determining the permissible number of stories or determining floor area nor shall it be used for dwelling purposes.

CEMETERY
See §1304.01-3.01.001.

CHILD CARE CENTERS
See §1304.01-3.06.001.

CITY
The City of York, Pennsylvania.

CITY ENGINEER
A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer of the City of York as recommended by the Planning Commission and currently adopted by Council.

CLEAR SIGHT TRIANGLE
An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street lines.

CLUB, NOT-FOR-PROFIT
See §1304.01-3.10.003.

COMMISSION
The City of York Planning Commission.

COMMON OPEN SPACE
A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMUNICATION TRANSMITTING AND RECEIVING FACILITY
See §1304.01-6.01.003.

COMMUNITY CENTER
See §1304.01-3.02.002.

COMMUNITY FOOD BANK
See §1304.01-3.10.002.

COMMUNITY SWIMMING POOL
See §1304.01-5.04.004.

COMPREHENSIVE PLAN
The complete plan for the continuing development and redevelopment of the City of York as recommended by the Planning Commission and currently adopted by Council.

CONDITIONAL USE
A use which the City Council is permitted to authorize in specific instances listed in the ordinance, under the terms, procedures and conditions prescribed herein.

CONDOMINIUM
An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property together with a separate interest in space in a residential, commercial or industrial building on such real estate. Condominiums are a form of ownership, not a use.

CONSISTENCY
An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONTRACTOR'S OFFICE WITH STORAGE
See §1304.01-6.01.005.

CONVERSION FROM ANOTHER USE
See §1304.01-1.01.004.

COUNTY
York County, Pennsylvania.

COUNTY COMPREHENSIVE PLAN
A land use and growth management plan prepared by the County Planning Commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

COURTS

a) **COURT-** An open, uncovered occupied space partially or wholly surrounded by the walls of a structure or structures**.**

b) **ENCLOSED OR INNER COURT-** A court surrounded on all sides by the exterior walls of a structure or by such walls and an interior lot line**.**

c) **OUTER COURT-** A court having at least one (1) side thereof opening on to a street, alley, yard or other permanent open space.

CPTED
Crime Prevention Through Environmental Design (CPTED) acknowledges that the manner in which physical space is designed or used has a direct bearing on crime and security. The physical environment has a dramatic effect on our own behavior and the way in which we view the behavior of others. CPTED is a concept supported by a series of overlapping principles based on the relationship of the built environment to the presence or absence of undesirable behavior. The CPTED concept is: "The proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime and improvement in the quality of life by incorporating access control, natural surveillance and territorial defensive tactics." When reviewing permit and/or development applications, the Zoning Officer, Planning Commission, and/or Zoning Hearing Board may consider CPTED guidelines.

CREMATORIUM
See §1304.01-3.01.003.

CROP FARMING
See §1304.01-2.02.001.

DAY SPA
See §1304.01-4.08.004.

DECISION
Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DECISION POINT
For the purposes of determining a clear sight triangle, the physical point at which a driver of a vehicle would need to decide whether it is safe to proceed through an intersection or out of a driveway, either straight or turning.

DECK
A roofless structure consisting of a floor with or without steps and/or a handrail, extending from the wall of a building. Multiple level decks, and decks above one another are included in this definition. A stoop with a roof or a deck with a roof shall be considered part of the building which it is attached to and is considered part of building coverage.

DETERMINATION
Final action by an officer, body or agency charged with the administration of any land use ordinance or applications there-under, except the following:

a) City Council;

b) The zoning hearing board; and

c) The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT
The same as land development.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT
Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one (1) municipality.

DEVELOPMENT PLAN
The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written and graphic materials referred to in this definition.

DEVELOP
Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DIRECTOR OF COMMUNITY DEVELOPMENT
The Director of Community Development of the City of York.

DIRECTOR OF ECONOMIC DEVELOPMENT
The Director of Economic Development of the City of York.

DISTRICT
An area referred to as adistrict as identified on the Zoning Map along with the regulations pertaining thereto.

DOMICILIARY CARE HOME
See §1304.01-7.16.

DORMITORY
See §1304.01-1.04.003.

DOUBLE-FRONTAGE LOT
A lot which extends from one (1) street to another, with frontage on both streets.

DRIVEWAY
A private minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

EASEMENT
A grant by the property owner of the use of a strip of land by the public, a corporation or people for specified purposes.

EATING ESTABLISHMENT, BREW PUB
See §1304.01-4.04.005.

EATING ESTABLISHMENT, NIGHTCLUB
See §1304.01-4.04.003.

EATING ESTABLISHMENT, FAST-FOOD
See §1304.01-4.04.006.

EATING ESTABLISHMENT, QUICK SERVE
See §1304.01-4.04.002.

EATING ESTABLISHMENT, SIT-DOWN
See §1304.01-4.04.001.

EATING ESTABLISHMENT, TAVERN
See §1304.01-4.04.004.

EDUCATIONAL FACILITY (Grades K-12 or Equivalent)
See §1304.01-3.03.001.

EDUCATIONAL FACILITY (Post Grade 12 or Equivalent)
See §1304.01-3.03.002.

EMERGENCY SHELTER
See §1304.01-3.10.001.

ENGINEER
A professional engineer registered in the Commonwealth of Pennsylvania, for a municipality, planning agency, Planning Commission, property owner or applicant.

FAMILY
One (1) or more people related by blood, marriage, civil union, legal guardianship, licensed or court appointed foster care, or legal adoption including any domestic servants or gratuitous guests thereof who maintain one (1) common household and reside in one (1) dwelling unit; or

a) No more than two (2)people, who are not related to each other by blood, marriage, civil union, legal guardianship, licensed or court appointed foster care, or legal adoption, in addition to any respective minor children, domestic servants or gratuitous guests thereof, residing in one (1) dwelling unit and living and cooking together as a single housekeeping unit. A roomer, boarder, or lodger is not considered a family member.

b) Gratuitous guests, as referenced in subsection (a) and Par. 1 above, refers to individuals who maintain a legal residence elsewhere, do not establish a long-term residence at the subject property, and who do not reside at the subject property as a guest for more than fourteen (14) consecutive days or more than thirty (30) consecutive or nonconsecutive days in a calendar year.

FAMILY CHILD CARE HOME
See §1304.01-7.12.

FENCE / WALL
See §1304.01-7.02.

FLOOD
A temporary inundation by surface water of land areas not continually inundated.

a) **FLOODPLAIN**- Arelatively flat or low land area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation; an area subject to unusual and rapid accumulation of runoff or surface waters from any source.

b) **FLOOD-PRONE AREA**- Arelatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

c) **FLOODWAY**- The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

d) **ONE HUNDRED YEAR FLOODPLAIN**- An area of land that is inundated by a storm that, on the average, is likely to occur once every one hundred (100) years.

FORESTRY
See §1304.01-2.02.002.

FRONT WALL
An exterior wall of a building which faces a public street or right-of-way.

GENERAL CONSISTENCY, GENERALLY CONSISTENT
That which exhibits consistency.

GOVERNING BODY
City Council of the City of York.

GOVERNMENT OFFICES
See §1304.01-5.01.003.

GRADE

a) **DETERMINING-** For determining grade, all walls approximately parallel to and not more than fifteen (15) feet from a street line are to be considered as adjoining a street.

b) **BUILDINGS ADJOINING ONE STREET-** For buildings adjoining one (1) street only, grade is the elevation of the established curb at the center of the wall adjoining the street.

c) **BUILDINGS ADJOINING MORE THAN ONE STREET-** For buildings adjoining more than one (1) street, grade is the average of the elevations of the established curbs at the centers of all walls adjoining streets.

d) **BUILDINGS HAVING NO ADJOINING STREET WALL-** For buildings having no wall adjoining the street, grade is the average level of the ground adjacent to the exterior walls of the buildings.

GREEN ROOF
A green roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. The use of "green" refers to the growing trend of environmentally friendly and does not refer to roofs which are merely colored green, as with green roof tiles or roof shingles.

GROUP CHILD CARE HOME
See §1304.01-3.063.002.

GROUP HOME
See §1304.01-1.04.001.

GROUP QUARTERS
See §1304.01-1.04.002.

HAIR CARE
See §1304.01-4.08.001.

HALFWAY HOUSES
See §1304.01-3.05.002.

HAZARDOUS INDUSTRIAL
See §1304.01-6.02.003.

HEALTH / FITNESS FACILITY
See §1304.01-4.08.005.

HEARING
An administrative proceeding conducted by a board pursuant to section 909.1 of the Pennsylvania Municipalities Planning Code.

HEAVY INDUSTRIAL
See §1304.01-6.02.002.

HELIPORT
See §1304.01-4.02.002.

HELISTOP
See §1304.01-4.02.003.

HOME OCCUPATION
See §1304.01-7.11.

HORTICULTURE (ACCESSORY USE)
See §1304.01-7.08.

HORTICULTURE (PRINCIPAL USE)
See §1304.01-2.02.003.

HOSPITAL
See §1304.01-3.07.001.

HOTELS, MOTELS, CONVENTION CENTER
See §1304.01-4.05.002.

HOUSE OF WORSHIP
See §1304.01-3.04.001.

IMPERVIOUS SURFACE
Those surfaces that do not absorb precipitation. Parking areas, driveways, roads, gravel sidewalks, patios and any similar areas of concrete or asphalt shall be considered impervious surfaces. In addition, other areas determined by the City Engineer to be impervious shall also be classified as impervious surfaces. All buildings, principal and accessory, are included in this definition.Permanent surfaces which absorb precipitation, including but not limited to: pervious pavement, pervious concrete, green roofs, and other surfaces which are approved by the City Engineer as pervious are exempt from this definition.

INDUSTRIAL EDUCATION
See §1304.01-3.03.004.

INDUSTRIAL PARK
See §1304.01-6.01.004.

INFILL DEVELOPMENT
The development of a vacant parcel, or an assemblage of vacant parcels, within the City, and which is bordered along at least three-quarters of the parcel's, or combined parcels', perimeter by developed land. In addition, such parcel generally has utilities and street access available adjacent to the parcel, and has other public services and facilities available near-by. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existingbuilding(s) located on the site was demolished, or because there were other, more desirable or less costly sites for development.

JAILS AND PRISONS
See §1304.01-3.05.001.

JUNK
Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of such materials include, but are not limited to, metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, abandoned vehicles and parts thereof abandoned and/or stockpiled on a lot or part of a lot, and all other similar materials. This definition excludes stockpiling of recyclable materials defined in this ordinance as aRecycling Facility.

JUNKYARD
See §1304.01-6.02.004.

KENNEL/STABLE
See §1304.01-2.01.002.

LANDOWNER

a) **LEGAL, BENEFICIAL OWNER-** The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition**;**

b) **LEASEHOLDER -** A leaseholder who is authorized under the lease to exercise the rights of the landowner; or

c) **PROPRIETARY INTEREST-** Other people having a proprietary interest in land shall be deemed to be a landowner for the purposes of this Zoning Ordinance.

LAND DEVELOPMENT
Any of the following activities:

a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
   1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
   2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

b) A subdivision of land.

c) The following activities shall be exempt from the definition of Land Development:

   1) The conversion of an existing single-family detached dwelling or single family semi-detacheddwelling into not more than three residential units, unless such units are intended to be a condominium;
   2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate toanexisting principal building; or
   3) The addition or conversion of buildings or rides within the confines of an enterprise whichwould be considered an amusement park. For purposes of this subclause, an amusement park isdefined as a tract or area used principally as a location for permanent amusement structures orrides. This exclusion shall not apply to newly acquired acreage by an amusement park until initialplans for the expanded area have been approved by proper authorities.

LANDSCAPING
A natural planting which includes, but is not limited to, grass and other plantings such as trees, shrubs and groundcover.

LAUNDROMAT, DRY CLEANING DROP-OFF / PICKUP
See §1304.01-4.08.002.

LEED
The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria. This program is administered through the U.S. Green Building Council (USGBC).

LIBRARY
See §1304.01-3.02.001.

LIGHT INDUSTRIAL
See §1304.01-6.01.001.

LIVE-WORK UNIT
See §1304.01-1.03.002.

LIVESTOCK FARMING
See §1304.01-2.01.001.

LOADING

a) **LOADING BERTH-** A loading space that has a platform or dock raised to the height of a truck bed. Loading activity occurs inside the building or on the loading dock.

b) **LOADING SPACE-** A space accessible from a street or way, in a building or on a lot, for the temporary use of delivery vehicles while loading or unloading merchandise or materials. Loading activity occurs at ground level.

LOT

a) **LOT-** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, built upon or transferred as a unit.

b) **LOT AREA-** See the definition for "AREA."

c) **LOT OF RECORD-** A lot that has been recorded in the Office of the Recorder of Deeds of York County, Pennsylvania.

d) **DOUBLE FRONTAGE LOT-** A lot that extends from one (1) street to another with frontage on both streets.

e) **CORNER LOT-** A lot with two (2) adjacent sides abutting on streets or other public places which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

f) **LOT DEPTH-** The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.

g) **LOT WIDTH-** The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, the distance measured between such lot line and the opposite lot line.

h) **REVERSE FRONTAGE LOT-** A double frontage lot located along an arterial or collector street and a localstreet with vehicular access solely from the latter.

LOT LINES

a) **LOT LINE-** A line dividing one (1) lot from another or from a street or any public place.

b) **REAR LOT LINE-** Any lot line that is parallel to, or within forty-five (45) degrees of being parallel to, a street line except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot of an odd shape, only the one(1) lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the street line shall be at least twice the normally required rear yard. In the case of a double frontage lot, a street line of the secondary access street will be defined as the rear lot line.

c) **SIDE LOT LINE-** Any lot line that is not a street line or a rear lot line.

MAJOR THOROUGHFARE PLAN
That part of the Comprehensive Plan, now or hereafter adopted, which sets forth the general location, alignment and dimensions, and the identification and classification of existing and proposed public streets, highways and other thoroughfares.

MEDICAL FACILITY
See §1304.01-3.07.002.

MEDICAL OFFICE
See §1304.01-3.07.003.

MEMORIAL GARDEN
See §1304.01-3.01.004.

METHADONE TREATMENT FACILITY
See §1304.01-3.07.004.

MINERALS
Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to: limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINING
See §1304.01-6.03.002.

MINI-WAREHOUSING / SELF-STORAGE
See §1304.01-6.01.006.

MOBILE HOME
A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT
A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILE HOME PARK
See §1304.01-1.01.005.

MOTOR VEHICLE GASOLINE STATION
See §1304.01-4.06.003.

MOTOR VEHICLE SALES, REPAIR, AND RENTAL
See §1304.01-4.06.001.

MOTOR VEHICLE SERVICE
See §1304.01-4.06.002.

MULTI-FAMILY DWELLINGS - NEW CONSTRUCTION
See §1304.01-1.02.001.

MORTUARY/FUNERAL HOME
See §1304.01-3.01.002.

MULTI-FAMILY DWELLINGS - CONVERSION FROM ANOTHER USE
See §1304.01-1.02.002.

MUNICIPAL AUTHORITY
A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER
A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint Planning Commission.

MUNICIPALITY
Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

MUSEUM
See §1304.01-3.02.004.

NEIGHBORHOOD ART STUDIO
See §1304.01-4.09.008.

NEIGHBORHOOD COMMERCIAL
See §1304.01-4.09.

NEIGHBORHOOD EATERY
See §1304.01-4.09.001.

NEIGHBORHOOD GROCERY STORE
See §1304.01-4.09.002.

NEIGHBORHOOD HAIR CARE
See §1304.01-4.09.006.

NEIGHBORHOOD MEDICAL OFFICE
See §1304.01-4.09.009.

NEIGHBORHOOD OFFICE
See §1304.01-4.09.004.

NEIGHBORHOOD PUBLIC SERVICE
See §1304.01-4.09.005.

NEIGHBORHOOD RETAIL BOUTIQUE
See §1304.01-4.09.003.

NEIGHBORHOOD TAILOR / DRESSMAKER
See §1304.01-4.09.007.

NO-IMPACT HOME BASED BUSINESS
See §1304.01-7.10.

NONCONFORMITIES

a) **NONCONFORMING LOT-** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

b) **NONCONFORMING STRUCTURE-** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

c) **NONCONFORMING USE-** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSING HOME
See §1304.01-3.09.003.

ON-LOT STORAGE
See §1304.01-7.07.

OPEN SPACE AND PARKS
See §1304.01-5.04.002.

OVER-THE-AIR RECEPTION DEVICE (OTARD)
See §1304.01-7.06.

PARENT INSTITUTION
An educational, religious, or governmental organization or agency which directly owns or manages real property and may include facilities which serve its resident population such as group homes, dormitories, or residence halls. The parent institution must be licensed, accredited, or registered as appropriate for its use.

PARKING

a) **PARKING LOT-** An uncovered, but possibly fenced, lot whose principal use is for the short-term, daily or overnight off-street parking of motor vehicles.

b) **PARKING SPACE -** An off-street space on a lot with an all-weather surface available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet or ninety-six (96) square feet for a sub-compact parking space, exclusive of passageways and driveways appurtenant thereto, and having direct access to a street.

c) **CONTRACT PARKING-** Long-term or specified-term parking arranged in advance, usually on a fixed-fee basis.

d) **SHARED PARKING -** Parking space that can be used to serve two (2) or more individual land uses without conflict or encroachment.

e) **PUBLIC ACCOMMODATIONS -** Private entities offering goods and services to the public may not discriminate against individuals with disabilities due to a lack of building accessibility.

f) **DEMAND-** The number of potential customers for a parking facility or parking system.

g) **DEMAND/SUPPLY-** A ratio of parking demand (vehicles) to parking supply (spaces) indicating an excess or shortage of available space.

h) **OFF-STREET-** Beyond the right-of-way of a public street or highway.See §1304.01-7.04.

i) **ON-STREET-** Curb parking on a public street or highway.

PARKING GARAGE
See §1304.01-5.02.001.

PARTY WALL
A wall on an interior lot line used, or a wall adapted for, joint service between two (2) buildings.

PEDESTRIAN ARCADE
An exclusively pedestrian accessway connecting two (2) or more other public ways, having a total area of five hundred (500) square feet, being at least ten (10) or more feet in all dimensions and open to the public during business hours.

PERMIT

a) **BUILDING PERMIT -** A permit authorizing construction work in accordance with the Pennsylvania Uniform Construction Code.

b) **ZONING PERMIT-** A permit authorizing use, construction, or occupancyin accordance with zoning, subdivision, and land development ordinance requirements.

PERSONAL CARE FACILITY
See §1304.01-3.09.004.

PET GROOMING
See §1304.01-4.03.004.

PHOTOVOLTAIC ENERGY SYSTEM (PERSONAL)
See §1304.01-7.13.

PLAN
A map indicating the subdivision or re-division of land, or a land development, intended to be filed for record.

a) **FINAL PLAN -** A map of a proposed plan drawn in accordance with the requirements of the Subdivision/Land Development Ordinance and submitted to the Planning Commission for review and recommendation and to City Council for final approval and is the plansubmitted for recording to the Office of the Recorder of Deeds of York County.

b) **PRELIMINARY PLAN -** A map showing the layout of a proposed plan submitted for tentative approval by the Commission in accordance with the requirements of the Subdivision/Land Development Ordinance.

c) **SKETCH PLAN -** A map showing the layout of a proposed plan with sufficient accuracy to be used for the purpose of discussion in accordance with the requirements of the Subdivision/Land Development Ordinance.

PLANNED RESIDENTIAL DEVELOPMENT (PRD)
See §1304.01-1.05.001.

PLANNING AGENCY
The York City Planning Commission and its staff.

PLAT
The map or plan of a subdivision or land development, whether preliminary or final.

POLICE & FIRE STATIONS
See §1304.01-5.01.001.

PRESERVATION OR PROTECTION
When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRINCIPAL SUPPLY UTILITY
See §1304.01-5.03.001.

PROFESSION
Any vocation or business.

PROFESSIONAL CONSULTANTS
People who provide expert or professional advice, including, but not limited to: architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC GROUNDS

a) Parks, playgrounds, trails, paths and other recreational areas and other public areas;

b) Sites for schools, sewage treatment, refuse disposal and other publicly-owned or operated facilities; and

c) Publicly-owned or operated scenic and historic sites.

PUBLIC HEARING
A formal meeting held pursuant to public notice by City Council or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

PUBLIC MEETING
Forum held pursuant to notice under 65 Pa.C.S. CH.7 (relating to open meetings).

PUBLIC NOTICE
Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION FACILITIES
See §1304.01-5.04.003.

PUBLIC SERVICE OFFICE
See §1304.01-5.01.002.

QUARRYING, PROCESSING, STORAGE, AND SALE OF STONE AND RELATED PRODUCTS
See §1304.01-6.03.001.

RECESSED BUILDING STORY
A story of a building, other than the first story, for which the exterior front wall is setback, or recessed, from the lower story front walls.

RECREATIONAL FACILITY, COMMERCIAL
See §1304.01-4.03.006.

RECREATION VEHICLE
A trailer or vehicle designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on street and highways. A trailer or vehicle designed or adapted and used exclusively for recreational purposes. The vehicle shall be licensed by a state or commonwealth, bearing current inspection stickers, and capable of being legally operated on public right-of-ways.

RECYCLING FACILITY
See §1304.01-6.02.005.

RENEWABLE ENERGY SOURCE
Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to: biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR
Any construction which replaces materials but does not change the height, number of stories, size or location of a building or other structures.

REPAIR AND MAINTENANCE OF SMALL APPLIANCES, CLOTHING, JEWELRY, RADIO/TELEVISION, TOOLS, BICYCLES, GUNS, LOCKS, SHOES
See §1304.01-4.03.005.

REPORT
Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESIDENCE HALL
See §1304.01-1.04.004.

RESERVE STRIP
A strip of land following the right-of-way line of a street and adjacent to it and is intended to control access to the street from adjacent property.

RETAIL - GENERAL
See §1304.01-4.07.001.

RETAIL - SHOPPING CENTER
See §1304.01-4.07.002.

RETAINING WALL
A structure made of concrete, masonry, wood or other material designed to resist lateral soil load for the purpose of maintaining an elevation difference of one (1) foot or greater from one (1) side to the other.

RETIREMENT VILLAGE
See §1304.01-1.04.007.

RIGHT-OF-WAY

a) **RIGHT-OF-WAY-** Land set aside to be used for streets, crosswalks or utility lines.

b) **EXISTING RIGHT-OF-WAY-** The legal right-of-way as established by the Commonwealth, City or other legal authority and currently in existence.

c) **ULTIMATE OR FUTURE RIGHT-OF-WAY-** The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads, or a right-of-way established to provide future access to or through undeveloped land.

ROOMER, BOARDER OR LODGER
A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging and/or board and lodging for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation for less than a week at a time shall be classified, for purposes of this Zoning Ordinance, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment, such as a motel, hotel or bed-and-breakfast facility.

ROOMING HOUSE / BOARDING HOUSE
See §1304.01-7.17.

SANITARY LANDFILL
See §1304.01-6.02.006.

SCREENING
A barrier to visibility, airborne particles, glare and noise between adjacent properties composed entirely of trees, shrubs, hedges or other plant material or by a fence, a berm and/or a wall.

SETBACK
The minimum required horizontal distance between a setback line and a property or street line.

a) **SETBACK, FRONT -** The distance between the street line or property line and the front setback line.

b) **SETBACK, REAR -** The distance between the rear lot line and the rear setback line.

c) **SETBACK, SIDE -** The distance between the side lot line and the side setback line.

d) **SETBACK LINE -** A line within and across a lot defining the required minimum yard between any structure and any adjacent street/property line.

SEWAGE FACILITY
See §1304.01-5.03.002.

SIGN
See §1308.02 and §1304.01-7.05.

SINGLE FAMILY ATTACHED DWELLING
See §1304.01-1.01.002.

SINGLE-FAMILY DETACHED DWELLING
See §1304.01-1.01.001.

SINGLE FAMILY SEMI-ATTACHED DWELLING
See §1304.01-1.01.003.

SLOPE
The steepness, incline, gradient, or grade of a straight line. A higher slope value indicates a steeper incline. The ratio of the "rise" divided by the "run" between two (2) points on a line, or in other words, the ratio of the altitude change to the horizontal distance between any two (2) points on the line.

SOLAR HOT WATER SYSTEM (PERSONAL)
See §1304.01-7.15.

SPECIAL EXCEPTION
A use permitted in a particular Zoning District pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

SPECIALIZED INSTRUCTION- DANCE, MUSIC, AND ART
See §1304.01-3.03.003.

STADIUM
See §1304.01-5.04.001.

STREET
A public or private thoroughfare used, or intended to be used, for passage or travel by pedestrians, bicycles and motor vehicles. Terms may include alley, avenue, boulevard, drive, bypass, expressway, freeway, highway, lane, parkway, road or street. Streets are furtherclassified by the functions they perform and as designated in the Strategic Comprehensive Plan. Street classifications include, but may not be limited to the following:

a) **ARTERIAL STREET -** A higher-order street intended for large volumes of traffic movement that connect population and employment centers and whose access is generally limited tocontrolled intersections. A street that is so designated in the Strategic Comprehensive Plan.

b) **COLLECTOR STREET -** A middle-order street intended to carry medium volumes of traffic that connect lower-order or local streets to higher-order or arterial streets. A collector streetserves neighborhood areas and provides access to arterial streets. A street that is so designated in the Strategic Comprehensive Plan.

c) **LOCAL STREET -** A lower-order street intended for lower levels of traffic used primarily to provide access to abutting properties and generally serving internally developed areas.Designed to carry lower levels of traffic. A street that is so designated in the Strategic Comprehensive Plan.

d) **ALLEY OR HALF STREET -** A street built along a property line and generally parallel to it which has a right-of-way whose width is less than normally required. A permanent service-way providing a secondary means of access to abutting lands.

e) **CUL-DE-SAC -** A local street with only one (1) outlet and having the other end for the reversal of traffic movement.

f) **MARGINAL ACCESS STREET -** A local street, parallel to an arterial or collectorstreet, providing access to abutting properties and separation from through traffic while directing traffic to improved intersections to reduce curb cuts to a collector or arterial street.

g) **SECONDARY ACCESS STREET -** A public or private street, alley or right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

h) **STREET LINE -** The dividing line between the street and a lot; the limit of a right-of-way.

STREETSCAPE
The visual impression of the built environment along a street created by building setbacks, rooflines, building mass, architectural styles and elements, building materials and texture, sidewalks, signage, trees, landscaping and furniture.

STRUCTURE
Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STUDENT

a) **COLLEGE STUDENT -** A person, generally over the age of eighteen (18), who is registered to be enrolled or who is enrolled and matriculating at a college, university or similar institution of higher education.

b) **GRADE SCHOOL STUDENT -** A person, generally under the age of eighteen (18), who isregistered or enrolled at an elementary or secondary school, or similar institution.

STUDENT HOME
See §1304.01/1.04.006.

SUBCOMPACT VEHICLE
The classification of automobile size made on the basis of the area the vehicle occupies. The length and width of the vehicle, measured in feet, is multiplied to give the area covered by the vehicle. Cars, and other motor vehicles, with a figure of eighty-five (85) square feet or less are considered sub-compact vehicles.

SUBDIVISION
The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development;provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED
Where, in the judgment of the municipal engineer, at least ninety percent (90%) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWIMMING POOL (PRIVATE)
See §1304.01-7.03.

TAILORING / DRESSMAKING
See §1304.01-4.08.006.

TATTOO / BODY ART
See §1304.01-4.08.003.

TERMINAL, TAXI CAB or MASS TRANSIT

a) **TERMINAL-** A building which serves as the end of a transit carrier line, including its maintenance, repair and storage facilities. The building can be used for taxi cabs or mass transit vehicles.

b) **STATION -** A building other than a bus shelter, which is a regular stopping place on a transportation route. Such a building is primarily for the use of passengers. The building can be used for taxi cabs or mass transit vehicles.

THEATER
See §1304.01-3.03.005.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT
An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two (2) or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and is appropriately designed to serve the needs of pedestrians and vehicles equally.

UNUSABLE LAND
Land that cannot be built upon due to slope, topography, hydrology or soil condition.

USE

a) **USE-** Any activity occurring or intending to occur in a building or other structure, or on a lot. Article 1303 identifies permitted uses within each zoning district.

b) **ACCESSORY USE**- A subordinate use listed in Article 1303 Districts, under the use regulations for each Zoning District and normally located on the same lot with a principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.See Table 1303.08.

c) **PRINCIPAL USE**- The primary purpose, or purposes for which a lot and/or structure is occupied as listed in the use regulations for each district. See Table 1303.08.

UTILITY

a) **UTILITY** - Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

b) **SUPPLY UTILITY**- Any water, electric, gas or oil generating or treatment facility, supply works, substation, transmission line, distribution line or associated right-of-way.

c) **ACCESSORY SUPPLY UTILITY**- Any supply utility, or part thereof, located on a lot to which commercial service is provided or within a street right-of-way.

d) **PRINCIPAL SUPPLY UTILITY**- Any supply utility that is not an accessory supply utility.

VARIANCE
Relief granted pursuant to the provisions of Article 1310.

VENDING DEVICE
A device, motorized or not, which is intended to dispense and/or collect a product with or without a fee. Included in this definition are soda machines, candy/snack machines, newspaper boxes, clothing collection boxes, and other similar devices. Mailboxes and library return boxes are specifically excluded from this definition. See §1304.01-7.18.

VETERINARIAN / ANIMAL HOSPITAL - HOUSEHOLD PETS
See §1304.01-3.08.001.

VETERINARIAN / ANIMAL HOSPITAL - NON-HOUSEHOLD PETS
See §1304.01-3.08.002.

WALLOR FENCE
A structure which permanently or temporarily prohibits or inhibits travel between properties or portions of properties or between the street or public right-of-way and a property.

WAREHOUSE, DISTRIBUTION, WHOLESALE BUSINESS
See §1304.01-6.01.002.

WATER FACILITY
See §1304.01-5.03.003.

WATER SURVEY
An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

WETLANDS
An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition, including swamps, marshes, bogs, swales and similar areas.

WIND ENERGY SYSTEM (PERSONAL)
See §1304.01-7.14.

YARD
An open unoccupied space unobstructed from the ground up, except as may be modified by this ordinance.

a) **FRONT YARD -** A minimum required area bounded by the street line, building setback line or front building line whichever is greater and the side lot lines.

b) **REAR YARD -** An area bounded by the rear lot line, rear setback line or rear building line whichever is greater and the side lot lines.

c) **SIDE YARD -** An area bounded by the side lot line or side building line whichever is greater, front and rear setback line.

d) **UNIMPROVED YARD -** A yard without surface material, such as macadam, cement or a minimum four (4) inches of stones**.**

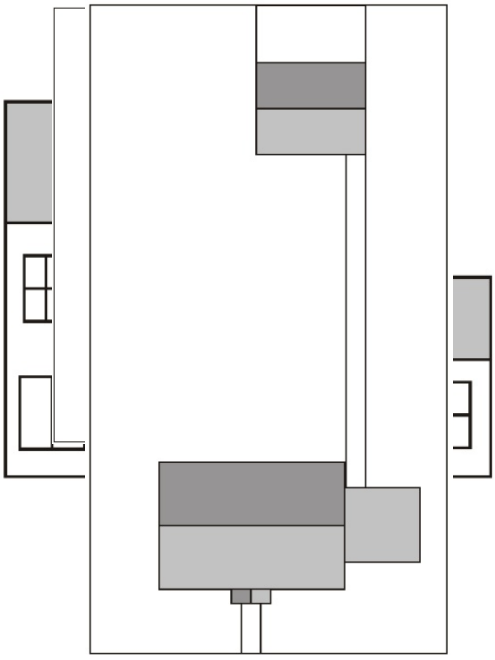
ZONING OFFICER
The duly appointed City Official designated to administer and enforce this Zoning Ordinance.

DIAGRAMS - The following diagrams are provided to illustrate various definitions.

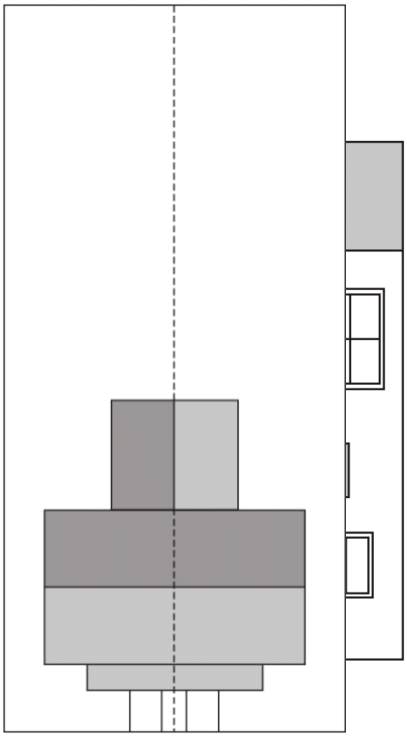
Single-Family Detached Dwelling Unit

Suburban Style Example:

Traditional Style Example:



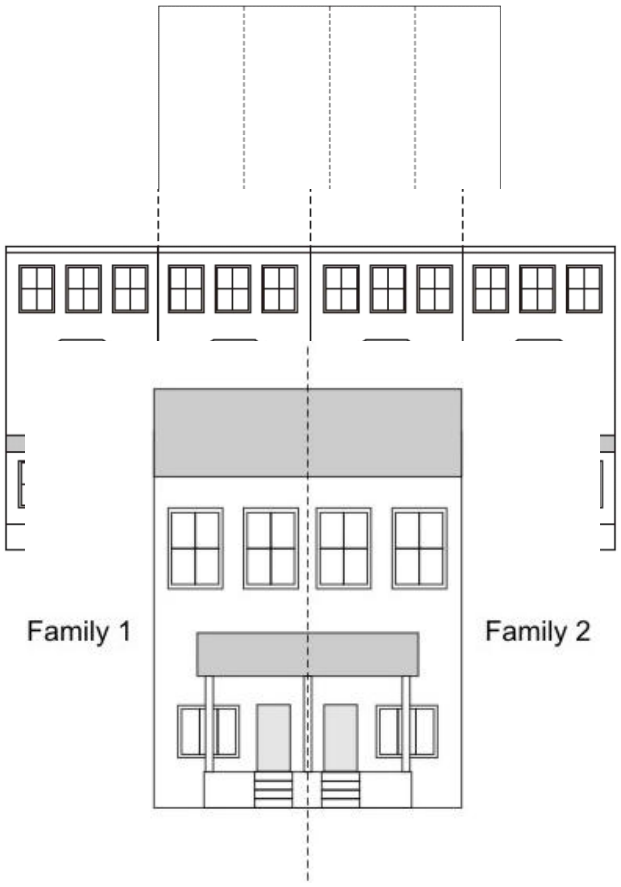
Single-Family Semi-Detached Dwelling Unit

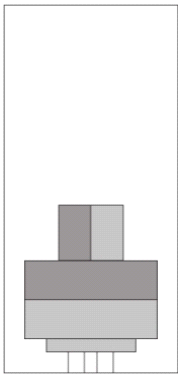


9

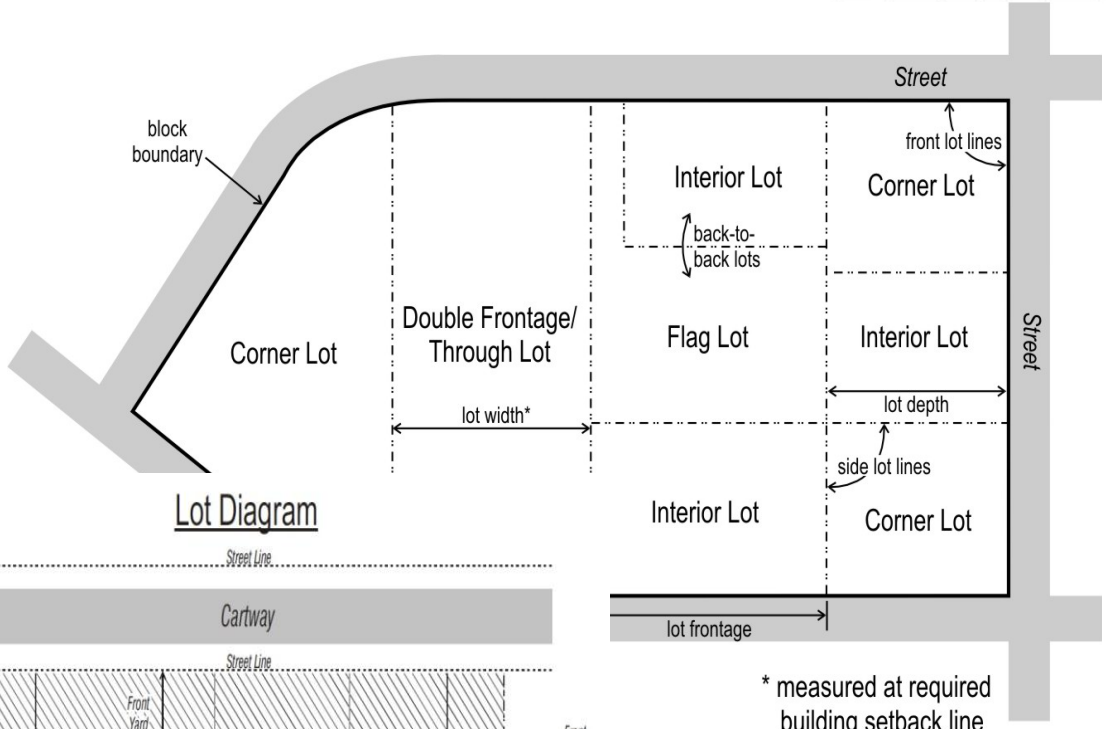
Single-Family Attached Dwelling Unit

Multi-Family Dwelling Unit

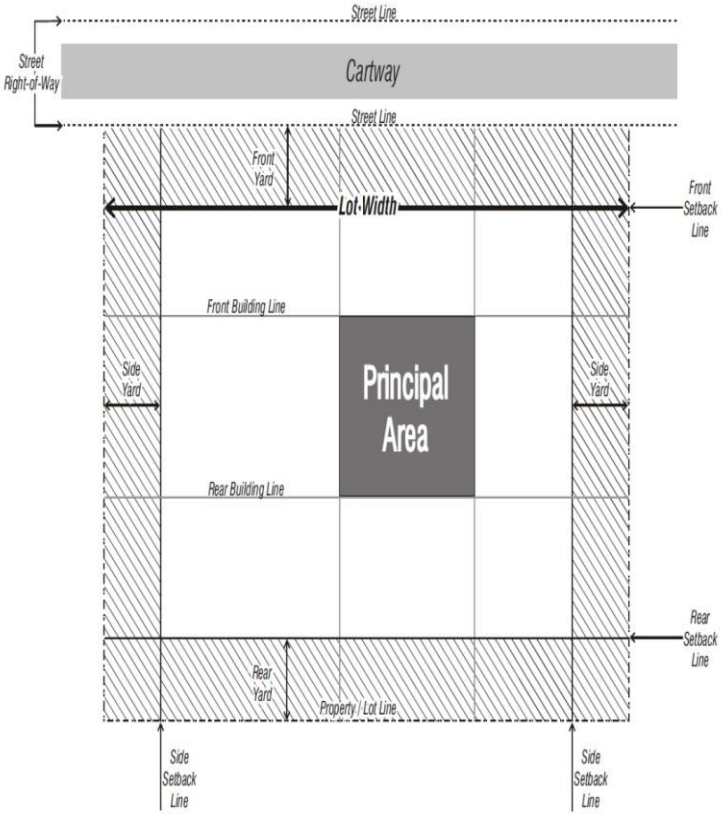




Lot Type Diagram



Lot Diagram



Note 1: This diagram does not pertain to a particular zoning district.

Lot Diagram

Amended Bill No. 2, Ordinance No. 2 - 2015

ARTICLE 1303
Districts, Maps and Boundaries

1303.01 Established districts.
1303.02 Classes of districts.
1303.03 Applicability.
1303.04 Zoning Maps.
1303.05 Interpretation of zoning boundaries.
1303.06 Setbacks, building area, floor area and impervious surface modifications.
1303.07 Height modifications.
1303.08 Table of permissible uses.
(A)Principal uses.
(B) Accessory uses.

RESIDENTIAL DISTRICTS
1303.09 (RS-1) Single-Family Detached Residential Conservation District.
1303.10 (RS-2) Single-Family Attached Residential Conservation District.

URBAN NEIGHBORHOODS
1303.11 (UN-1) Urban Mixed Commercial Residential District.
1303.12 (UN-2) Urban Residential Neighborhood District.

COMMERCIAL AND INDUSTRIAL DISTRICTS
1303.13 (CBD) Central Business District.
1303.14 (EC) Employment Center District.

MIXED USE INSTITUTIONAL
1303.15 (MUI-1) Mixed-Use Residential -Institutional District.
1303.16 (MUI-2) Urban Residential Neighborhood District.
1303.17 (OS) Open Space District.

OVERLAY DISTRICTS
1303.18 (FP/GW) Floodplain/ Greenways District.

1303.01 ESTABLISHED DISTRICTS.
The City is hereby divided into districts of different types, each being of such number, shape, kind, area, common unity of purpose, and adaptability of use as to be deemed the most suitable to carry out the purposes of this Zoning Ordinance.

1303.02 CLASSES OF DISTRICTS.
For the purposes of this Zoning Ordinance, the City is divided into the following districts:

a) **RESIDENTIAL DISTRICTS**
RS-1 Single-Family Detached Residential Conservation District
RS-2 Single-Family Attached Residential Conservation District

b) **URBAN NEIGHBORHOOD DISTRICTS**
UN-1 Urban Mixed Residential Commercial District
UN-2 Urban Residential Neighborhood District

c) **COMMERCIAL / INDUSTRIAL DISTRICTS**
CBD Central Business District
EC Employment Center District

d) **MIXED USE INSTITUTIONAL**
MUI-1 Mixed-Use Residential InstitutionalDistrict
MUI-2 Urban Residential Neighborhood District
OS Open Space District

e) **OVERLAY DISTRICTS**
FP/GW FloodPlain/Greenways Overlay District

1303.03 APPLICABILITY.
Unless otherwise provide by law or in this Zoning Ordinance, no building, structure or land within each district shall be used or occupied except for the express purposes specified for each district in the applicable section of this Zoning Ordinance. Uses, structures and lots existing at the time of passage of this Section, and not in full compliance with the provisions of this Zoning Ordinance, shall comply with the applicable provisions of Sections 1306 Nonconformities.

1303.04 ZONING MAPS.
The location and boundary of the Zoning Districts are delineated on the City of York Zoning Map, which accompanies this text.

1303.05 INTERPRETATION OF ZONING BOUNDARIES.
Where uncertainty exists regarding district boundaries as indicated on the zoning map, the following rules shall apply:

a) **STREET CENTERLINE -** Where district boundaries approximately coincide with the centerline of streets, highways, railroad lines or streams, such centerline shall be construed to be the boundaries.

b) **LOT LINE -** Where district boundaries approximately coincide with lot lines, such lot lines shall be construed to be the boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be the district boundaries.

c) **PARALLEL TO FEATURES -** Where district boundaries approximately parallel the centerline of streets and highways, such district boundaries shall be construed as parallel thereto, and at such distance there from, as indicated on the Zoning Map.

d) **LOT DIVISION -** Where district boundaries divide a lot, the location of such boundaries shall be determined by the use of the scale shown on the Zoning Map unless the boundaries are indicated by dimension.

1303.06 SETBACKS, BUILDING AREA, FLOOR AREA AND IMPERVIOUS SURFACE MODIFICATIONS.

a) **BUILDING SETBACKS ON CORNER LOTS AND DOUBLE FRONTAGE LOTS-** In cases where lots have frontage along two (2) or more streets excluding streets with right-of-way widths less than twenty (20) feet, the minimum front building setback requirements shall apply to each street according to the minimum requirements for the Zoning District in which the lot is located.

1) Within any front yard on any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained that may cause a danger to traffic on a street or public road by obscuring the view.

A. A clear-sight triangle of twenty-five (25) feet on arterial and collector streets measured along the street lines of intersecting streets, shall be maintained within which such structure or planting shall be limited to a height of not more than three (3) feet, nor less than ten (10) feet above the street grade.

B. A clear-sight triangle of twelve (12) feet on local streets measured along the street lines of intersecting streets, shall be maintained within which such structure or planting shall be limited to a height of not more than three (3) feet, nor less than ten (10) feet above the street grade.

b) **FRONT AND REAR YARD EXCEPTIONS**

1) Wherever in any Zoning District the present setback is greater than the minimum provided, the required setback of a building hereafter erected shall be the same as or greater than the present setback of existing buildings in the same block on the same side of the street, except when a special exception is authorized.

2) Wherever in any Zoning District the present setback of existing buildings is less than the minimum requirement for the Zoning District involved, the required setback of any building hereafter erected shall be at least the average setback formed by the alignment of existing buildings within one hundred (100) feet on each side of the proposed building and within the same block.

c) **SIDE YARD EXCEPTIONS**

1) In cases where party walls are in existence between principal buildings, no side yards are required along the common lot line for accessory buildings. Side yards for accessory structures may be reduced to five (5) feet or may maintain the existing side yard setback of the existing principal structure.

2) On lots along the boundaries of UN, EC and CBD Districts, where side or rear yards abut RS1, RS2, or Districts and where no side yards shall be provided, the dimension of such side or rear yard shall be equal to that required in the Zoning District on which such lot abuts.

d) **PERMITTED USES IN YARDS**

1) **PROJECTIONS -**Unenclosed, ground story terraces, patios and porches may project into any required yard not more than one-half (1/2) its required dimension and not more than ten (10) feet in any case. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two (2) feet into a required yard.

2) **FENCES -** Provided unobstructed vision at street intersections is maintained in accordance with subsection (a), yard provisions shall not apply to hedges, fences or walls eight (8) feet high or less above the natural grade.

3) **OFF-STREET PARKING -** Off-street parking areas are not permitted in any required front yard, but off-street parking areas may project into a required side or rear yard a distance of not more than one-half (1/2) its required dimension, except in rear yards or side yards where there is access to the property from a public street or alleyway.

4) **HANDICAP RAMPS -** Any handicap ramp or other protrusion or device required to make reasonable accommodation under the Fair Housing Act or American with Disabilities Act (ADA)is permitted provided that the same be completely within the property boundary and not interfere with the use of public right-of-way such as sidewalks. In the situation where the building line coincides with the property and street line, any handicap ramp or protrusion/device required may be permitted through establishment of an easement to place such structure/device within the public right-of-way at a location that does not prohibit public access in accordance with ADA requirements.

e) **REQUIRED YARD AND OPEN SPACE -** Unless specifically provided herein, no part of any yard or other required open space around any principal use or building for the purpose of complying with the provisions of this Zoning Ordinance shall be included as part of any yard or open space required under this Ordinance for another use of building.

f) **SPACING OF NONRESIDENTIAL BUILDINGS -** Where two (2) or more main buildings for a single nonresidential use are proposed to be built on a property in one (1) ownership, front, side and rear yards are required only at lot lines abutting other properties.

g) **MULTIPLE USES ON A SINGLE LOT**

1) When two (2) or more principal uses occupy the same lot, but not the same building, all parking, lot width, yard and setback, height, building area and floor area requirements shall be provided so that the requirements pertaining to each use shall be met in full.

2) No building to the rear of and on the same lot with a main building shall be erected, altered or used for residential purposes unless such rear building conforms with all use, height and area requirements of the Zoning District in which it is located. If all such requirements are met, the building may be used as an accessory dwelling unitprovided the principal dwelling unit is owner- occupied and requirement of Section 1302.01 are met.

3) When two (2) or more principal uses occupy the same building on the same lot, all parking, lot area, building area and floor area requirements shall be provided so that the requirements pertaining to each use shall be met in full.

h) **INFILL DEVELOPMENT**

For infill development projects, all provisions of the Zoning District in which the development occurs, as well as all other applicable provisions of this Ordinance, must be followed. The following additional requirements shall also apply:

1) For infill development projects in the Central Business District (CBD), the minimum building setback shall also be the maximum building setback.

2) For infill development projects in the Central Business District (CBD), the minimum height shall be four (4) stories and forty (40) feet.

3) A building's principal entrance must be oriented towards the building's principal street. Secondary entrances may be oriented toward secondary streets. Doorways which only serve as emergency exits should be oriented away from principal streets, where feasible under applicable building codes.

4) At least twenty-percent (20%) of a building's façade shall contain windows or glass, unless a lesser percentage is recommended by HARB for properties within the HARB area.

1303.07 HEIGHT MODIFICATIONS.

a) **MAXIMUM BUILDING HEIGHT** - No building shall exceed the maximum heights specified in Article 1303, Districts, Maps, Boundaries, for each applicable Zoning District; however, in Zoning Districts where building heights above these maximum limitations are specifically suggested then the following regulations shall also apply:

1) The Zoning Hearing Board may modify the maximum building height by special exception in Zoning Districts provided all of the following requirements are met:

A. Such height increase is not more than twice the existing setback;

B. Adequate measures are taken to ensure adequate fire protection and other public safety matters;

C. Generally, each required yard and the building setback line shall be increased one (1) foot for each foot or portion thereof that the proposed building height exceeds the applicable district limitation. However, such increases are not mandatory and may be reduced or eliminated where it is demonstrated that the location of any proposed building with an increased building height shall not reasonably deprive any other building or any portion of any adjacent lot or building of light or air; and

D. For each four (4) feet of increased building height, the maximum permitted building area shall be decreased one percent (1%) with such reduction not to exceed one-fourth (1/4) of the required building area.

E. Height must match or be compatible with the height of adjoining structures.

b) **MAXIMUM STRUCTURAL HEIGHTS -** The maximum height limitations of this Zoning Ordinance shall not apply to church spires, belfries, cupolas, monuments, silos, domes or any other structure not intended for human occupancy, nor to chimneys, ventilators, skylights, water tanks, helistops, elevator structures, or other necessary mechanical appurtenances normally built above the roof level. Such building appurtenances, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area twenty percent (20%) of the ground floor area of the building. The twenty percent (20%) bonus does not apply to sign height.

Table 1303.08(A)
PERMISSIBLE USE TABLE
P = Permitted SE = Permitted by Special Exception CU = Permitted by Conditional Use Use is not permitted if blank.

#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
1.00	**RESIDENTIAL - PRINCIPAL USES**										
1.01	**Single Family**										
1.01.001	Single Family Detached Dwelling	P	P	P	P	P	P	SE			
1.01.002	Single-Family Attached Dwelling		P	P	P	P	P	P			
1.01.003	Single-Family Semi-Attached Dwelling		P	P	P	P	P	SE			
1.01.004	Single-Family Dwelling - Conversion from a Different Use	P	P	P	P	P	P	SE			
1.01.005	Mobile Home Park		SE								
1.02	**Multi Family**										
1.02.001	Multi-Family Dwellings - New Construction				SE	SE	SE	SE			
1.02.002	Multi-Family Dwellings - Conversion from a Different Use		SE	P	SE	P	SE	P			
1.03	**Residential/Commercial**										
1.03.001	Apartment Combined With Commercial Use			P				P			
1.03.002	Live-Work Unit		SE	P	SE	P	SE	P			

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
1.04	**Residential/Institutional**										
1.04.001(a)	Group Home (Five or Fewer occupants)	P	P	P	P	P	P				
1.04.001(b)	Group Home (Six to eight occupants)	SE	SE	SE	SE	SE	SE				
1.04.002	Group Quarters					SE	SE				
1.04.003	Dormitory					SE	SE	SE			
1.04.004	Residence Hall					SE	SE				
1.04.005	Accessory Dwelling Unit	SE	SE	SE	SE	SE	SE				
1.04.006	Student Home (Six or fewer occupants)					SE	SE	SE			
1.04.007	Retirement Village	SE	SE								
1.05	**Mixed Use**										
1.05.001	Planned Residential Development (PRD)		SE	SE	SE	SE	SE	SE	SE		
2.00	**AGRICULTURAL - PRINCIPAL USES**										
2.01	**Animal**										
2.01.001	Livestock Farming									SE	
2.01.002	Kennel/Stable									SE	

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
2.02	**Non-Animal**										
2.02.001	Crop Farming									SE	
2.02.002	Forestry									P	
2.02.003	Horticulture									P	
3.00	**INSTITUTIONAL - PRINCIPAL USES**										
3.01	**Funeral**										
3.01.001	Cemetery									SE	
3.01.002	Mortuary/Funeral Home			SE		SE		P	P		
3.01.003	Crematorium								P		
3.01.004	Memorial Garden					SE				SE	
3.02	**Cultural Facility**										
3.02.001	Library			SE		SE		P	P		
3.02.002	Community Center			SE	SE	SE	SE	P	P	SE	
3.02.003	Art Gallery			SE		SE		P	P		
3.02.004	Museum			SE		SE		P	P		
3.02.005	Theater - Motion Picture							P	P		

Table 1303.08(A)
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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
3.03	**Education**										
3.03.001	Educational Facility - Grades K-12 or equivalent		SE	SE	SE	P	P	SE	SE		
3.03.002	Educational Facility - Post Grade 12 or equivalent					P	P	P	P		
3.03.003	Specialized Instruction - Dance, Music and Art			SE		SE	P	P	P		
3.03.004	Industrial Education								P		
3.04	**Religious Facility**										
3.04.001	House of Worship	SE	SE	P	SE	P	SE	P	P		
3.05	**Correctional Institutions**										
3.05.001	Jails and Prisons								SE		
3.05.002	Halfway Houses								SE		
3.06	**Child Care**										
3.06.001	Child Care Center			SE		SE		P	P		
3.06.002	Group Child Care Home			SE		SE		P	P		

Table 1303.08(A)
PERMISSIBLE USE TABLE

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
3.07	**Medical - Human**										
3.07.001	Hospital					P		P	P		
3.07.002	Medical Facility					P	SE	P	P		
3.07.003	Medical Offices					SE		P	P		
3.07.004	Methadone Treatment Facility								CU		
3.08	**Medical - Animal**										
3.08.001	Veterinarian/Animal Hospital - Household Pets							P	P		
3.08.002	Veterinarian/Animal Hospital - Non-Household Animals								P		
3.09	**Adult Care**										
3.09.001	Adult Care Home			SE		SE					
3.09.002	Adult Care Facility					SE		P	P		
3.09.003	Nursing Home					SE			SE		
3.09.004	Personal Care Facility			SE		SE					
3.10	**Institutional - Other**										
3.10.001	Emergency Shelter					SE		SE	P		
3.10.002	Community Food Bank					SE		SE	P		
3.10.003	Club, Not for Profit					SE		SE	P		

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
4.00	**COMMERCIAL - PRINCIPAL USES**										
4.01	**Adult - Entertainment**										
4.01.001	Adult - Entertainment Facility								CU		
4.02	**Airport**										
4.02.001	Airport								CU		
4.02.002	Heliport								CU		
4.02.003	Helistop					SE		SE	SE		
4.03	**General Business**										
4.03.001	Bank/Credit union							P	P		
4.03.002	Business, Financial, Professional Office							P	P		
4.03.003	Business Service Establishment							P	P		
4.03.004	Pet Grooming - No Overnight Boarding							P	P		
4.03.005	Repair & Maintenance of Small Appliances, Clothing, Jewelry, Radio/Television, Tools, Bicycles, Guns, Locks, Shoes							P	P		
4.03.006	Recreation Facility, Commercial							P	P		

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
4.04	**Eating Establishments**										
4.04.001	Sit-Down							P	P		
4.04.002	Quick Serve							P	P		
4.04.003	Fast Food							P	P		
4.04.004	Nightclub							P	P		
4.04.005	Tavern							P	P		
4.04.006	Brew Pub							P	P		
4.05	**Lodging**										
4.05.001	Bed and Breakfast		SE	SE	SE	SE	SE	P			
4.05.002	Hotel, Motels, Convention Center							P	P		
4.06	**Motor Vehicle**										
4.06.001	Sales, Repair & Rental								P		
4.06.002	Service								P		
4.06.003	Gasoline Station								P		
4.06.004	Car Wash/Detailing								P		

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
4.07	**Retail**										
4.07.001	Retail - General							P	P		
4.07.002	Retail - Shopping Center								SE		
4.08	**Personal Services**										
4.08.001	Hair Care							P	P		
4.08.002	Laundromat, Dry Cleaning Drop-off/Pickup			SE		SE		P	P		
4.08.003	Tattoo/Body Art							P	P		
4.08.004	Day Spa							P	P		
4.08.005	Health/Fitness Facility							P	P		
4.08.006	Tailoring & Dressmaking Establishment							P	P		
4.09	**Neighborhood Commercial**										
4.09.001	Neighborhood Coffee Shop			P	SE	P	SE				
4.09.002	Neighborhood Grocery Store			P	SE	P	SE				
4.09.003	Neighborhood Retail Boutique			P	SE	P	SE				
4.09.004	Neighborhood Office			P	SE	P	SE				

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
4.09.005	Neighborhood Public Service Office			P	SE	P	SE				
4.09.006	Neighborhood Hair Care			P	SE	P	SE				
4.09.007	Neighborhood Tailor/Dressmaker			P	SE	P	SE				
4.09.008	Neighborhood Art Studio			P	SE	P	SE				
4.09.009	Neighborhood Medical Office			P	SE	P	SE				
5.00	**COMMUNITY FACILITIES - PRINCIPAL USES**										
5.01	**Public Facilities**										
5.01.001	Police & Fire Stations		P	P	P	P	P	P	P		
5.01.002	Office - Public Service							P	P		
5.01.003	Government Offices					P		P	P		
5.02	**Parking**										
5.02.001	Parking - Garage							P	P		
5.02.002	Parking - Surface Lot			SE		SE		P	P		

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#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
5.03	**Utilities**										
5.03.001	Principal Supply Utility								P		
5.03.002	Sewage Facility								SE		
5.03.003	Water Facility								SE		
5.04	**Recreation & Open Space**										
5.04.001	Stadium							CU	CU		
5.04.002	Open Space & Parks	P	P	P	P	P	P	P	P	P	P
5.04.003	Public Recreation Facilities			SE		SE			P	P	
5.04.004	Community Swimming Pool		SE							P	
6.00	**INDUSTRIAL- PRINCIPAL USES**										
6.01	**Light Industrial**										
6.01.001	Light Industrial								P		
6.01.002	Warehouse, Distribution, Wholesale Business								P		
6.01.003	Communication Transmitting and Receiving Facility								P	**P**	
6.01.004	Industrial Park								CU		

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P = Permitted SE = Permitted by Special Exception CU = Permitted by Conditional Use Use is not permitted if blank.

#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
6.01.005	Contractor's Office - With Storage								P		
6.01.006	Mini-Warehouse/Self-Storage								P		
6.02	**Heavy Industrial**										
6.02.001	Bulk Plant								SE		
6.02.002	Heavy Industrial								SE		
6.02.003	Hazardous Industrial								CU		
6.02.004	Junkyard								CU		
6.02.005	Recycling Facility								SE		
6.02.006	Sanitary Landfill								CU		
6.03	**Mining**										
6.03.001	Quarrying, Processing, Storage, Sale of Stone and Related Products								CU		
6.03.002	Mining								CU		
7.0	**ACCESSORY USES**										
7.01	Accessory Building/Garage	P	P	P	P	P	P	P	P		
7.02	Fence and Wall	P	P	P	P	P	P	P	P		
7.03	Private Swimming Pool	P	P	P	P	P	P	SE	SE		

Table 1303.08(A)
PERMISSIBLE USE TABLE
P = Permitted SE = Permitted by Special Exception CU = Permitted by Conditional Use Use is not permitted if blank.

#	USE DESCRIPTION	RS1	RS2	UN1	UN2	MUI1	MUI2	CBD	EC	OS	GW
7.04	Off-Street Parking	P	P	P	P	P	P	P	P		
7.05	Sign	P	P	P	P	P	P	P	P		
7.06	Over-the-Air Reception Device (OTARD)	P	P	P	P	P	P	P	P		
7.07	On-Lot Storage			SE	SE	SE	SE	P	P		
7.08	Horticulture	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
7.09	Accessory Supply Utility	P	P	P	P	P	P	P	P		P
7.10	No Impact Home Based Business	P	P	P	P	P	P	P	P		
7.11	Home Occupation		SE	SE	SE	SE	SE	SE			
7.12	Family Child Care Home		P	P	P	P	P	P	P		
7.13	Photovoltaic Energy System (Personal)	SE	SE	SE	SE	SE	SE	P	P	SE	SE
7.14	Wind Energy Systems (Personal)	SE	SE	SE	SE	SE	SE	P	P	SE	SE
7.15	Solar Hot Water System (Personal)	SE	SE	SE	SE	SE	SE	P	P	SE	SE
7.16	Domiciliary Care			SE	SE	SE	SE				
7.17	Rooming House			SE		SE	SE				
7.18	Vending Devices	* permitted subject to Section 1304.02(7.18)									

1303.09 (RS-1) SINGLE-FAMILY DETACHED RESIDENTIAL CONSERVATION DISTRICT.

a) **PURPOSE** -In the City, there are several distinctive residential neighborhoods which contribute significantly to the overall character and identity of the City. These neighborhoods predominantly consist of single-family detached residences that are worthy of preservation and protection, but some lack sufficient historical, architectural or cultural significance at the present time for designation within a Historic District Overlay or HARB Overlay. The RS1 Districts are established in areas where single-family residential development has already occurred and in logical extensions to these areas. The district aims to preserve, protect, enhance and perpetuate the value of these low density residential neighborhoods through the following neighborhood conservation principles:

1) **NEIGHBORHOOD CHARACTER -** Protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and neighborhood character.
2) **REVITALIZATION** - Promote and provide for neighborhood revitalization guided by design and property maintenance standards specific to unique districts to ensure harmonious, orderly and efficient redevelopment of the City.
3) **LIVABILITY** - Protect and enhance livability of the City by providing predominately for single-family detached residences.
4) **NONCONFORMITIES AND BLIGHT** - Reduce conflict and prevent blighting caused by incompatible and insensitive development, redevelopment or infill development and poor property maintenance.
5) **PROPERTY VALUES** - Stabilize property values.

b) **USE REGULATIONS -** A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.09 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.09
Dimensional Requirements
(RS-1) SINGLE-FAMILY DETACHED RESIDENTIAL CONSERVATION DISTRICT

Dimensional Requirement	Use	Requirement
Minimum Lot Area	All	6,000 ft. [2]
Minimum Lot Width	All	50 ft.
Minimum Building Setback - Front	All	40 ft.
Minimum Building Setback - Rear	All	10 ft.
Minimum Building Setback - Side	All	10 ft.
Minimum Building Height	All	None
Maximum Building Height	All	35 ft.
Maximum Total Impervious Surface	All	40% of gross lot area
Minimum Open Area	All	60% of gross lot area

1303.10 (RS-2) SINGLE-FAMILY ATTACHED RESIDENTIAL CONSERVATION DISTRICT.

a) **PURPOSE** -In areas where the construction of single-family attached dwellings has already occurred and is predominant, Single-Family Attached Residential Conservation Districts are established. These neighborhoods predominantly consist of single-family attached residences that are worthy of preservation and protection, but some lack sufficient historical, architectural or cultural significance at the present time to be designated with a Historic Overlay District or HARB Overlay. The district aims to preserve, protect, enhance and perpetuate the value of these medium to high density residential neighborhoods through the following neighborhood conservation principles:

1) **NEIGHBORHOOD CHARACTER** - Protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and neighborhood character.
2) **REVITALIZATION** - Promote and provide for neighborhood revitalization guided by design and property maintenance standards specific to unique districts to ensure harmonious, orderly and efficient redevelopment of the City.
3) **LIVABILITY** - Protect and enhance livability of the City by providing predominately for single-family attached residences and live work opportunities. NONCONFORMITIES AND BLIGHT - Reduce conflict and prevent blighting caused by incompatible and insensitive development, redevelopment or infill development and poor property maintenance.
4) **PROPERTY VALUES** - Stabilize property values.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.10 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.10
Dimensional Requirements
(RS-2) SINGLE-FAMILY ATTACHED RESIDENTIAL CONSERVATION DISTRICT

Dimensional Requirement	Use	Requirement
Minimum Lot Area	Single-Family Detached	4,000 ft. [2]
	Single-Family Attached	2,000 ft. [2]
	All other uses	6,000 ft. [2]
Minimum Lot Width	Single-Family Detached	40 ft.
	Single-Family Attached	20 ft.
	All other uses	50 ft.
Minimum Building Setback - Front	All	5 ft.
Minimum Building Setback - Rear	All	10 ft.
Minimum Building Setback - Side	Single Family Attached	10 ft., end unit only
	All other uses	10 ft., aggregate of both sides
Minimum Building Height	All	20 ft.
Maximum Building Height	All	35 ft.
Maximum Total Impervious Surface	All	60% of gross lot area
Minimum Open Area	All	40% of gross lot area

1303.11 (UN-1) URBAN MIXED RESIDENTIAL-COMMERCIAL DISTRICT.

a) **PURPOSE** -The purpose of the Urban Mixed Residential-Commercial(UN-1) District is to allow for the revitalization of diverse compact, pedestrian-oriented neighborhoods which exhibit characteristics reminiscent of traditional neighborhoods including medium to high density residential uses, combined with workplaces, public facilities, open space, and limited compatible appropriately-scaled neighborhood commercial uses with direct access to major transportation corridors and transit. The goal of this district is to allow for neighborhood revitalization that incorporates innovation of design and lot layout, opportunities for quality affordable housing for households of all income levels, efficient use of land, preservation of historic and architectural integrity and flexibility for infill development. The goals of this district promote innovation of design, greater opportunities for improved quality of life, pedestrian-oriented neighborhoods and flexibility of regulation described as follows:

1) **INNOVATION** -Innovativeneighborhood revitalization that makes use of mixed-use infill development standards resulting in greater variety of type, design and layout of dwellings and other buildings and structures resulting in conservation of open space ancillary to mixed use development with consideration for public transit as a viable alternative to the automobile.
2) **OPPORTUNITIES** - Redevelopment and infill development that extends greater opportunity for better housing, recreation and access to goods, services, employment and public transit to improve the overall quality of life for residents.
3) **PEDESTRIAN-ORIENTED NEIGHBORHOODS** - Allow for the redevelopment of neighborhoods that fully integrate a variety of housing types for households of all ages, types and income levels with access to parks, centrally located public commons, squares, plazas, neighborhood commercial enterprises and civic and other public buildings with the intent of creating healthy neighborhoods with a sense of place with reduced traffic congestion, infrastructure costs and environmental impacts.
4) **FLEXIBILITY OF REGULATION** - Increase the flexibility of regulations over land development for redevelopment and infill development projects to aid in achieving the purpose of this district.
5) **PROPERTY VALUES** - Stabilize property values.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.12 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.11
Dimensional Requirements
(UN-1) URBAN NEIGHBORHOOD
URBAN MIXED RESIDENTIAL-COMMERCIAL DISTRICT

Dimensional Requirement	Use	Requirement
Minimum Lot Area	All	2,000 ft. ^{2}
Minimum Lot Width	All	20 ft.
Minimum Building Setback - Front	All	None
Minimum Building Setback - Rear	All	None
Minimum Building Setback - Side	All	None
Minimum Building Height	All	20 ft.
Maximum Building Height	All	40 ft.*
Maximum Total Impervious Surface	All	75% of Gross Lot Area
Minimum Open Area	All	25% of Gross Lot Area

* Must match or be compatible with the height of adjoining structures.

1303.12 (UN-2) URBAN RESIDENTIAL NEIGHBORHOOD DISTRICT.

a) **PURPOSE** -The purpose of the Urban Residential Neighborhood (UN-2) District is to allow for the revitalization of diverse compact, pedestrian-oriented neighborhoods which exhibit characteristics reminiscent of traditional neighborhoods including medium to high density residential uses, combined with workplaces, public facilities, open space, and extremely limited compatible appropriately-scaled neighborhood commercial uses with direct access to major transportation corridors and transit. The goal of this district is to allow for neighborhood revitalization that incorporates innovation of design and lot layout, opportunities for quality affordable housing for households of all income levels, efficient use of land, preservation of historic and architectural integrity and flexibility for infill development.

It is intended for most non-residential uses within a UN2 district to be permitted by special exception in order to allow for greater review of the proposals and to allow community input into the review process in order to ensure that the proposals are in character with the neighborhood.

The goals of this district promote innovation of design, greater opportunities for improved quality of life, pedestrian-oriented neighborhoods and flexibility of regulation described as follows:

1) **INNOVATION** -Innovativeneighborhood revitalization that makes use of infill development standards resulting in greater variety of type, design and layout of dwellings and other buildings and structures resulting in conservation of open space ancillary to mixed use development with consideration for public transit as a viable alternative to the automobile.
2) **OPPORTUNITIES** - Redevelopment and infill development that extends greater opportunity for better housing, recreation and access to goods, services, employment and public transit to improve the overall quality of life for residents.
3) **PEDESTRIAN-ORIENTED NEIGHBORHOODS** - Allow for the redevelopment of neighborhoods that fully integrate a variety of housing types for households of all ages, types and income levels with access to parks, centrally located public commons, squares, and plazas with the intent of creating healthy neighborhoods with a sense of place with reduced traffic congestion, infrastructure costs and environmental impacts.
4) **FLEXIBILITY OF REGULATION** - Increase the flexibility of regulations over land development for redevelopment and infill development projects to aid in achieving the purpose of this district.
5) **PROPERTY VALUES** - Stabilize property values.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.13 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.12
Dimensional Requirements
(UN-2) URBAN NEIGHBORHOOD
URBAN RESIDENTIAL NEIGHBORHOOD DISTRICT

Dimensional Requirement	**Use**	**Requirement**
Minimum Lot Area	All	2,000 ft.^{2}
Minimum Lot Width	All	20 ft.
Minimum Building Setback - Front	All	None
Minimum Building Setback - Rear	All	None
Minimum Building Setback - Side	All	None
Minimum Building Height	All	20 ft.
Maximum Building Height	All	40 ft.*
Maximum Total Impervious Surface	All	75% of Gross Lot Area
Minimum Open Area	All	25% of Gross Lot Area

* Must match or be compatible with the height of adjoining structures.

1303.13 (CBD) CENTRAL BUSINESS DISTRICT.

a) **PURPOSE** - The Central Business District shall serve as the focal point for social, cultural, entertainment, government, commercial and tourism activities of the City. The CBD is intended to serve as a destination providing unique opportunities and experiences. Activities occurring in this District are, for the most part, pedestrian-oriented, therefore the safety, mobility and well-being of pedestrians using this area shall be protected and supported by these regulations. Development, redevelopment and infill development activities shall be compatible with the following District characteristics:

1) **DENSITY** - Encourage a greater intensity of development in order to attract residents, employees, merchants and businesses necessary to create a vibrant and diverse urban center. Multi-story buildings and maximum floor area ratios are encouraged.
2) **VERTICAL MIX OF USE** -Promote the vertical mixture of uses rather than horizontal segregation of uses within buildings and along street blocks. The vertical scale of this center is more pronounced to encourage a greater density and intensity of uses. In blocks, establish areas for concentration of upper floor residential uses to support non-residential uses in the District and provide live-work opportunities.
3) **DESIGN OF PUBLIC SPACE** -Encourage planning, design and detailing that reflects the needs of pedestrians maintain and expand multi-modal circulation opportunities and create memorable civic/public spaces.
4) **USE CLUSTERS** -Establish an area or areas with the District for the concentration of uses such as theatres, restaurants, night clubs and bars, museums, galleries, stadiums and similar uses providing entertainment opportunities. Businesses of this type attract people to the area and provide more efficient use of shared parking facilities. Establish groupings of specialty shops in areas of high pedestrian use and regulated on-street parking for high turnover.
5) **PEDESTRIAN AMENITIES** -Provide pedestrian amenities such as gathering places for sitting and eating outdoors, wayfinding and heritage signage and information kiosks, shade trees, bus shelters, cross walks, outdoor art, water access, public plazas and accessible public facilities.
6) **HISTORIC PRESERVATION** -Historical and architectural preservation and compatibility through use of the HARB Overlay.
7) **COMMERCIAL WATERFRONT AREA** -Allow for special water-oriented activity in the Central Business District of the City bordering on the Codorus Creek. It shall be the primary purpose of this District to incorporate indoor and outdoor commercial activity, residential and mixed use development, entertainment, and tourist-related activity in an urban park setting along the banks of the Codorus Creek.
8) **SHARED PARKING FACILITIES** -The use of shared parking facilities and parking structures with ground level commercial space shall be promoted in this District.
9) **DESIGN STANDARDS** -Provisions of this Ordinance shall provide basic elements for the design of public space, streetscapes and pedestrian amenities, location of parking lots and structures, wayfinding signage and trash storage.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.14 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.13
Dimensional Requirements
(CBD) CENTRAL BUSINESS DISTRICT

Dimensional Requirement	**Use**	**Requirement**
Minimum Lot Area	All	1,500 ft. ^{2}
Minimum Lot Width	All	20 ft.
Minimum Building Setback - Front	All	None
Minimum Building Setback - Rear	All	None
Minimum Building Setback - Side	All	None
Minimum Building Height	All	None
Maximum Building Height	All	None
Maximum Total Impervious Surface	All	100% of gross lot area
Minimum Open Area	All	0% of gross lot area

1303.14 (EC) EMPLOYMENT CENTER DISTRICT.

a) **PURPOSE** - The purpose of the Employment Center (EC) District is to promote and protect the City of York's economic and employment base by providing a flexible area outside of the Central Business District for businesses to locate, expand, and prosper. The goals of this District are to allow flexibility for development, provide encroachment protection, reduce impacts and maximize potential development described as follows:

1) **DEVELOPMENT** - Provide a permissive zone for the development of commercial and industrial development;
2) **ENCROACHMENT PROTECTION** - Provide an operating environment that protects such development from encroachment of incompatible land uses;
3) **REDUCE IMPACT**- Reduce to a minimum the impact permitted development in this zone will have on surrounding residential neighborhoods; and
4) **MAXIMIZE POTENTIAL**- Maximize the development potential of all vacant and under-utilized industrial, commercial and institutional buildings through adaptive reuse and integrated development.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.15 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.14
Dimensional Requirements
(EC) EMPLOYMENT CENTER DISTRICT

Dimensional Requirement	Use	Requirement
Minimum Lot Area	Industrial	20,000 ft.^{2}
	Commercial	5,000 ft.^{2}
	All other uses	2,000 ft.^{2}
Minimum Lot Width	Industrial	100 ft.
	Commercial	50 ft.
	All other uses	20 ft.
Minimum Building Setback - Front	Industrial	40 ft.
	All other uses	20 ft.
Minimum Building Setback - Rear	Industrial	15 ft.
	All other uses	10 ft.
Minimum Building Setback - Side	Industrial	15 ft.
	All other uses	10 ft.
Minimum Building Height	All	20 ft.
Maximum Building Height	All	65 ft.
Maximum Total Impervious Surface	All	80% of Gross Lot Area
Minimum Open Area	All	20% of Gross Lot Area

1303.15 (MUI-1) MIXED USE RESIDENTIAL-INSTITUTIONAL DISTRICT.

a) **PURPOSE** - Mixed-Use Residential-Institutional (MUI-1) land uses include educational facilities, child and adult care facilities, recreational facilities, health services, civic uses, and related small-scale neighborhood commercial uses mixed with traditional medium to high density residential neighborhoods providing a mix of housing for short-term and long-term residents and students. MUI1Districts are provided in areas where a major institution, such as a college or hospital, has a significant influence on land use in surrounding areas. It shall be the purpose of these Districts to provide defined areas for the location of the parent institution as well as appropriate accessory and ancillary uses.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for any of the following uses and no other: As identified in Use Table 1303.08

c) **DIMENSIONAL REQUIREMENTS** -In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.16. Should these requirements conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.15
Dimensional Requirements
(MUI-1) MIXED-USE INSTITUTIONAL
MIXED USE RESIDENTIAL-INSTITUTIONAL DISTRICT

Dimensional Requirement	**Use**	**Requirement**
Minimum Lot Area	All	5,000 ft. [2]
Minimum Lot Width	All	50 ft.
Minimum Building Setback - Front	All	10 ft.
Minimum Building Setback - Rear	All	10 ft.
Minimum Building Setback - Side	Single Family Attached	10 ft., end unit only
	All	10 ft., aggregate of both sides
Minimum Building Height	All	20 ft.
Maximum Building Height	All	35 ft.
Maximum Total Impervious Surface	All	80% of Gross Lot Area
Minimum Open Area	All	20% of Gross Lot Area

1303.16 (MUI-2) URBAN RESIDENTIAL NEIGHBORHOOD DISTRICT.

a) **PURPOSE** -Urban Residential Neighborhood District (MUI2) land uses include educational facilities, child and adult care facilities, recreational facilities, health services, civic uses, and related small-scale neighborhood commercial uses mixed with traditional medium to high-density residential neighborhoods providing a mix of housing for short-term and long-term residents and students. MUI2 Districts are provided in areas where a major institution, such as a college or hospital, has a significant influence on land use in surrounding areas. It shall be the purpose of these Districts to provide defined areas for the location of the parent institution as well as appropriate accessory and ancillary uses.

It is intended for most non-residential uses within a MUI2 district to be permitted by special exception in order to allow for greater review of the proposals and to allow community input into the review process in order to ensure that the proposals are in character with the neighborhood.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.17 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.16
Dimensional Requirements
(MUI-2) MIXED-USE INSTITUTIONAL
URBAN RESIDENTIAL DISTRICT

Dimensional Requirement	**Use**	**Requirement**
Minimum Lot Area	All	2,000 ft. ^{2}
Minimum Lot Width	All	20 ft.
Minimum Building Setback - Front	All	10 ft.
Minimum Building Setback - Rear	All	None
Minimum Building Setback - Side	All	None
Minimum Building Height	All	20 ft.
Maximum Building Height	All	35 ft.
Maximum Total Impervious Surface	All	80% of Gross Lot Area
Minimum Open Area	All	20% of Gross Lot Area

1303.17 (OS) OPEN SPACE DISTRICTS.

a) **PURPOSE** - Open Space Districts are established in areas where public open space or recreational areas are provided or intended for the future. It shall be the purpose of these Districts to provide public protection against potential flooding, fire or erosion, to provide recreational facilities and outdoor entertainment, and to prevent intensive development.

b) **USE REGULATIONS** - A structure may be erected or used and a lot may be used or occupied for principal and accessory uses as identified in table 1303.08.

c) **DIMENSIONAL REQUIREMENTS** - In this Zoning District, any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum, and not exceed the maximum, dimensions specified in table 1303.18 or as specified elsewhere in this ordinance. Should the requirements of this Article conflict with other requirements within this ordinance for any specified use, the strictest of requirements shall take precedence.

d) **OTHER REQUIREMENTS** - All uses must comply with all other sections of this zoning ordinance and applicable City, State, and Federal requirements.

Table 1303.17
Dimensional Requirements
(OS) OPEN SPACE DISTRICT

Dimensional Requirement	Use	Requirement
Minimum Lot Area	Open Space	None
	All other uses	5,000 sq. ft.
Minimum Lot Width	Open Space	None
	All other uses	50 ft.
Minimum Building Setback - Front	All	40 ft.
Minimum Building Setback - Rear	All	10 ft.
Minimum Building Setback - Side	All	10 ft.
Special Setbacks - Waterways	Properties along the Codorus Creek and all other waterways	50 feet from top of bank, or minimum required by Floodplain Ordinance, whichever is greater
Minimum Building Height	All	None
Maximum Building Height	All	20 ft.
Maximum Total Impervious Surface	All	20% of Gross Lot Area
Minimum Open Area	All	80% of Gross Lot Area

1303.18 (FP/GW) FLOODPLAIN/GREENWAYS DISTRICTS.
The use and occupancy of properties and structures within areas designated by the United States as being within a floodplain shall be regulated by the City of York Floodplain Ordinance in addition to the provisions of this zoning ordinance. If conflict exists between the provisions of the two ordinances, the more restrictive regulation shall apply.

ARTICLE 1304
Use Definitions, General Provisions, Accessory Uses, Conditional Uses, and Special Exception Use Requirements

1304.01 Principal uses.
1304.02 Accessory uses.

1304.01 PRINCIPAL USES.

1.01.001 Single-Family Detached Dwelling

a) **Definition:** A freestanding building with no party walls containing one (1) dwelling unit for one (1) family, and having two (2) side yards, one (1) front yard and one (1) rear yard; in the case of a corner lot, the building will have two (2) front yards, one (1) side yard and one (1) rear yard.

b) **General Provisions:**
1) Single-family detached dwellings shall contain at a minimum 1,600 sq.ft. of gross floor area or 80% of the average gross floor area of all other single-family detached dwellings on abutting properties, whichever is greater.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** Two (2) off-street parking spaces per dwelling unit.

1.01.002 Single-Family Attached Dwelling

a) **Definition:** A freestanding building containing more than one (1) dwelling unit arranged in a side-by-side configuration with one (1) or more common party walls. Each dwelling unit is on a separate lot.

b) **General Provisions:**
1) Single-family attached dwellings shall contain at a minimum 1,200 sq.ft. of gross floor area or 80% of the average gross floor area of all other single-family attached dwellings on neighboring properties within 500 feet, whichever is greater.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** Two (2) off-street parking spaces per dwelling unit.

1.01.003 Single-Family Semi-Attached Dwelling

a) **Definition:** Two (2) dwelling units arranged in a side-by-side configuration and where both units are situated on one (1) lot. For the purposes of this Ordinance, a Duplex Dwelling shall be regulated as a "Multiple-Family Dwelling."

b) **General Provisions:** See "Multiple-Family Dwelling."

c) **Special Exception Provisions**: See "Multiple-Family Dwelling."

d) **Parking:** See "Multiple-Family Dwelling."

1.01.004 Single-Family Dwelling - Conversion from a Different Use

a) **Definition:** The conversion of a building of another use to a Single-Family Dwelling. Such buildings would typically meet one of the following criteria:

1) Current use of building has little economic usefulness;
2) Original use of building was a Single-Family Dwelling and conversion is intended to restore building to its original use; and/or
3) Use of building in relation to the surrounding neighborhood would be more appropriate as a Single-Family Dwelling.

b) **General Provisions:** The dimensional, parking, landscaping, and other applicable requirements of this Zoning Ordinance for the Zoning District in which such conversion is proposed shall not be reduced.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** Two (2) off-street parking spaces per dwelling unit.

1.01.005 Mobile Home Park

a) **Definition:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

b) **General Provisions:**

1) COMPLIANCE - All appropriate provisions of the Subdivision and Land Development Ordinance shall be met.

2) SITE AREA - A site area of not less than one (1) acre shall be provided.

3) LOT AREA - A minimum lot area of three-thousand (3,000) square feet per mobile home shall be provided.

4) REQUIREMENTS - Each mobile home lot shall be provided with a hard surfaced mobile home stand providing a foundation that shall not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections and shall have minimum dimensions of fifty (50) by twenty-four (24) feet. The space between the floor of the mobile home and the mobile home stand shall be enclosed to conceal all supports and utility connections.

5) DIMENSIONAL REQUIREMENTS - Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty-five (25) feet and rear yards shall not be less than ten (10) feet and in no case shall the distance between any two mobile homes be less than thirty (30) feet.

6) FLOODPLAIN - Where permitted within any floodplain area, all manufactured homes, any improvements thereto shall conform with the requirements of the City's floodplain ordinances.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** Two (2) off-street parking requirements shall be provided for each dwelling unit.

1.02.001 Multiple-Family Dwellings - New Construction

a) **Definition:** A freestanding building or portion thereof containing more than one (1) dwelling unit arranged in an over-and-under or horizontal configuration. All units are located on the same lot.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

	UN2	MIU2	CBD
Minimum Lot Size (Sq. Ft.)	2,000	2,000	1,500
Minimum Lot Width (Ft.)	100	100	100
Side Setback (Ft.)	40	40	40
Maximum Dwelling Units per Acre	15	15	20
Distance Between Buildings (Ft.)	25	25	25
Setback from Parking Areas (Ft.)	25	25	25

1) **BUFFERING, SCREENING** - Buffering and screening shall be provided to adequately protect neighboring properties - this includes, but is not limited to: fences, walls, planting and open spaces.

2) **RECREATION AREA** - Recreation space shall be provided in accordance with Section 1336.10 of the Subdivision and Land Development Ordinance.

d) **Parking:** One and one-half (1.5) off-street parking spaces per dwelling unit, rounded up to the next full space.

1.02.002 Multiple-Family Dwellings - Conversion from a Different Use

a) **Definition:** The conversion of any commercial, industrial, or institutional building to be used as a multiple-family dwelling.

b) **General Provisions:**

1) **ALTERATION** - No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. For purposes of this subsection, any addition built that is designed to obstruct the intent of this subsection shall be deemed a structural alteration of the building exterior.
2) **APPROVAL ALTERATION** - Any approved structural alteration shall be located on a side of the building not facing a public street.
3) **REQUIREMENTS** - The dimensional, parking, landscaping, and other applicable requirements of this Zoning Ordinance for the Zoning District in which such conversion is proposed shall not be reduced.
4) **UNITS PER ACRE** - Under no circumstances, shall the number of dwelling units exceed the following dwelling units per acre:

	RS2	UN1	UN2	MUI1	MUI2	CBD
Dwelling units/acre:	15	30	24	30	24	70

5) **HABITABLE FLOOR AREA** - The following minimum habitable floor area per dwelling unit shall apply for residential conversions in all districts:

Bedroom Dwelling Unit	**Minimum Habitable Floor Area (Sq. Ft.)**
Efficiency	400
1	550
2	700
3	850
4	1000

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) Building must have been vacant for at least two years.
2) The Redevelopment Authority of the City of York must provide a letter of recommendation for the building's use to be converted to the proposed use.
3) A Land Development Plan shall be required.
4) A traffic study prepared by a Professional Engineer (P.E.) specializing in traffic planning must provide certification that the traffic impact of the proposed use is equal to or less than the impact of the last known use of the property.

d) **Parking:** One and one-half (1.5) off-street parking spaces per dwelling unit, rounded up to the next full space.

1.03.001 Apartment Combined with a Commercial Use

a) **Definition:** A single-family dwelling unit or multi-family dwelling units combined with a commercial, institutional, or neighborhood commercial use.

b) **General Provisions:**

1) The proposed non-residential use must be permitted in the district in which the proposed use is located.
2) Non-residential use is permitted on the first floor only.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** Parking for each residential unit and for the non-residential use are to be combined.

1.03.002 Live-Work Unit

a) **Definition:** A single-family dwelling unit with living space in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works, or the conversion of a non-residential structure to a single family dwelling with living space in combination with a shop, office, studio, or other work space within the same structure, where the resident occupant both lives and works.

b) **General Provisions:** The live-work unit possesses the following characteristics:

1) **WORK SPACE** - The office or business component of the unit shall not exceed fifty percent (50%) of the total gross floor area of the unit.
2) **DEFINITION OF LIVING SPACE**- Space within the dwelling unit for living, sleeping, eating, cooking, bathing, washing or sanitation purposes. Living space does not include closets, common or shared hallways or stairways providing access to individual dwelling units.
3) **PERMITTED BUSINESS USES** - The business component of the building may include home occupations, offices, small personal and business service establishments, home crafts which are typically considered accessory to a dwelling unit, Retailing associated with fine arts, crafts, artist's studio or personal services is permitted only if it is incidental to principal business use.
4) **ARTIST'S STUDIO** - Aplace designed to be used, or used as both a dwelling place and a place of work by an artist, artisan or craftsperson, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to: drawing, vocal or instrumental music, painting, sculpture and writing.
5) **PROHIBITED USES** - Prohibited uses include: amusement and recreation uses; bars; pet stores, kennels, animal hospitals; gun and firearm sales; wholesale business; manufacturing business; commercial food service requiring a license, limousine business or auto service or repair for any vehicles other than those registered to residents of the property; auto rental; and automotive service stations and motor vehicle repair garages.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: Parking for each residential unit and for the non-residential use are to be combined.

1.04.001 Group Home

a) **Definition:** A single-family dwelling designed and used as a residence by no more than five (5) individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate county, commonwealth or federal agency.A copy of any such license or certification shall be filed with the City and shall be required to be shown to the Zoning Officer upon request. The group home shall notify the Zoning Officer, in writing, within 14 days, if there is a change in type of clients, the sponsoring agency, and the maximum number of residents, or if applicable certification/license expires, is suspended or withdrawn. A use meeting this definition shall be considered a single-family dwelling for purposes of this Ordinance.

b) **General Provisions:**

1) No more than two (2) residents may occupy any existing bedroom. Rooms converted to bedrooms (i.e. kitchens, dining rooms, etc.) do not qualify.
2) Occupancy limitations of the Uniform Construction Code of the City of York must be complied with.
3) An on-site resident staff person must be present at all times. This person is to be identified as a paid professional with an appropriate license or certification. Any resident receiving treatment for the disability for which this home was established shall be precluded from serving in this capacity.
4) A group home shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.
5) In accordance with the Federal Fair Housing Act, a "Group Home - FHA" does not extend to the following people:
   A. Persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent;
   B. Persons who claim to be disabled solely on the basis of having a criminal record;
   C. Persons who claim to be disabled solely on the basis of being registered as a "sex offender;"
   D. Persons who currently use illegal drugs
   E. Persons who have been convicted of the manufacture or sale of illegal drugs;
   F. Persons with or without disabilities who present a direct threat to the persons or property of others.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

The number of residents in a group home may exceed five (5), with up to eight (8) occupants by special exception, if the general provisions and the following criteria are met:

1) Occupancy limitations of the Uniform Construction Code of the City of York must be complied with; however, at no time shall the number of residents exceed eight (8).
2) The number of occupants must be appropriate for the property and the neighborhood. This shall be determined using any and all available data as to the average family size in homes of similar size in the neighborhood.

d) **Parking:** Two (2) off-street parking spaces shall be required for the first five (5) residents (as is the case for a single-family dwelling). One (1) off-street parking space shall be provided per staff person on the greatest shift. If additional occupancy is granted by Special Exception, at least one (1) off-street parking space must be provided for each two (2) additional residents beyond the initial five (5). The requirement for additional off-street parking above the initial two (2) spaces may be waived by the Zoning Hearing Board if evidence is provided that due to the nature of the group home, the residents would not operate vehicles. If waived, such parking would need to be added at such point as the nature of the group home changes and parking is deemed to be needed.

1.04.002 Group Quarters

a) **Definition:** A dwelling designed and used as a residence for more than two (2) and less twelve (12) unrelated people. The facility must be directly affiliated with a parent institution which provides for the overall administration of the residents who reside on premises. Such administration is through the direction of paid professional staff and for the supervision of residents by full time resident staff. Group Quarters shall exclude the following: group home, bed-and-breakfast, personal care facility, dormitories, residence halls, domiciliary care homes, boarding homes, halfway houses, rooming home, and student homes.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) The facility must meet all applicable City Health, Building and Fire codes. The facility shall comply with all other applicable safety and fire codes of the Federal, State and Local government.
2) Occupancy limitations of the Uniform Construction Code of the City of York must be complied with; however, at no time shall the number of residents exceed eight (8).
3) The number of occupants must be appropriate for the property and the neighborhood. This shall be determined using any and all available data as to the average family size in homes of similar size in the neighborhood.
4) A group quarters shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.

d) **Parking:** One (1) off-street parking space per occupant of design capacity.

1.04.003 Dormitory

a) **Definition:** A building arranged or used for lodging by individuals associated directly or indirectly with a parent institutional use providing educational training or services.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) Except within the CBD, no dormitory shall be located within 50' of any existing dwelling or boundary of a residential district.
2) Except within the CBD, no dormitory shall have a maximum capacity exceeding one (1) student per 500 sq. ft. of lot area and shall be restricted to full-time students and college faculty advisors.
3) All residents must be full-time students at an accredited college, university, or trade school.
4) Except within the CBD, the building shall not exceed 65' in height and may not exceed five stories above grade.

d) **Parking:** One and one-half (1.5) off-street parking space per occupant of design capacity.

1.04.004 Residence Hall

a) **Definition**: A building for the lodging of individuals associated with a parent institution providing educational services.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) No residence hall shall have a maximum capacity exceeding one (1) student per 500 sq. ft. of lot area and shall be restricted to full-time students and college faculty advisors.
2) No residence hall shall be located within 50' of the boundary of a residential district.
3) The building shall not exceed 10,000 sq.ft.
4) The building shall not exceed six (6) dwelling units with a maximum of four (4) students per unit.
5) Each unit shall have a minimum of 200 sq.ft. of habitable space per occupant, with each occupant having a separate bedroom with at least 120 sq.ft.

6) The building shall not exceed 45' in height and may not exceed three stories above grade.

d) **Parking:** One (1) off-street parking space per occupant of design capacity. Impervious surface requirements may not be exceeded to accommodate off-street parking requirements. Parking may be reduced to one (1) off-street parking space per one and one-half (1.5) occupants of design capacity when the affiliated parent institution provides to the Zoning Hearing Board an affidavit setting forth how parking at the facility will be limited to the number of spaces provided and where additional vehicles will be parked. On-street parking shall not be a permissible alternative. Approval of this use shall be deemed to expire at such time as the provisions included in this affidavit cease to be enforced by the parent institution.

1.04.005 Accessory Dwelling Unit

a) **Definition:** An existing carriage house or garage which is converted or enlarged to create an additional residential dwelling unit on the same property as an owner occupied single-family dwelling.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

A carriage house or garage may be converted to allow an accessory dwelling unit by special exception, when the following conditions are met:

1) Accessory dwelling units may only be established at properties containing an owner-occupied single-family dwelling.
2) The accessory dwelling unit must be removed, or converted back to its prior use at such time as the principal building is no longer used as an owner occupied single-family dwelling.
3) Only one accessory dwelling unit may be created at a property.
4) If the garage or carriage house is expanded to allow for the creation of an accessory dwelling unit, then all dimensional requirements for the Zoning District in which the property is located must be met (i.e. setbacks, building area, etc.).
5) Required off-street parking for the principal single-family dwelling as well as the new accessory dwelling unit must be provided and maintained in accordance with the parking section of this Ordinance. If required off-street parking cannot be provided on-site, then an accessory dwelling unit may not be approved.
6) The accessory dwelling unit may be an efficiency unit or one (1) bedroom unit and must be at least four-hundred (400) square feet and no larger than seven hundred (700) square feet. In no case shall the gross square footage of the accessory dwelling unit be more than fifty percent (50%) of the gross square footage of the principal single-family dwelling on the property.
7) Accessory dwelling units may not be occupied by more than two (2) occupants.

8) The accessory dwelling unit may not be subdivided off into its own parcel of land unless all requirements are met for it to be established as a separate parcel.
9) The accessory dwelling unit must be maintained and licensed in accordance with the City of York's rental housing requirements and all applicable building codes. Tenants must be registered with the City of York.
10) The design of the accessory dwelling unit must be consistent with the design of the principal building.
11) If an existing carriage house or garage is modified or enlarged to accommodate an accessory dwelling unit above, the footprint of the accessory dwelling unit may not be larger than the underlying carriage house or garage. The accessory unit may not "hang over" the building below.

d) **Parking**: Two (2) off-street parking spaces must be provided for the principal single-family dwelling and one additional off-street parking spaces must be provided for the accessory dwelling unit.

1.04.006 Student Home

a) **Definition:** A single-family dwelling that provides domicile and living arrangement for three (3) to six (6) students, unrelated by blood, marriage, civil union, or legal adoption, that are matriculated students at a college or university, or that are in the process of attending a college or university, or who are on a semester or summer break from studies at a college or university, or any combination of such people. This term shall not be construed to include or be synonymous with the terms dormitory, homeless shelter or group home.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1. A student home may only be established in a single-family dwelling and the residence must be maintained as a single-family dwelling with common cooking/kitchen facilities.
2. Existing living areas or living rooms shall not be converted to bedrooms or sleeping areas.
3. The student home shall be occupied by college students as per defined in this ordinance.
4. The dwelling unit shall have at least 200 sq.ft. of habitable floor area for each resident and a separate bedroom of at least 100 sq.ft. for each resident. In each approved unit, one bedroom may be 70 sq.ft. or larger, when the space was originally designed as a bedroom and meets all other code requirements.
5. The home must be licensed as a rental property by the City of York. Inspection and licensing is required by the City of York.

6. The Zoning Officer shall provide the parent institution with a list of properties approved to be Student Homes by the Zoning Hearing Board and approved for occupancy by the City Codes Department. This list shall indicate, at a minimum, the date of approval, the number of occupants approved for each unit, and the expiration date of approval.
7. The parent institution shall provide to the Zoning Officer access to its list of students residing in each approved unit. This list shall be kept current by the parent institution.
8. Approval of the property as a Student Home shall become null and void immediately in the event the City or parent institution determines that a Student Home is being used in violation of the Zoning Ordinance or any other applicable City code or rule or regulation of the parent institution.
9. The property owner is responsible for routine maintenance and upkeep of the property in accordance with the City's Property Maintenance Code.
10. The student home is not permitted to be converted to a multi-family dwelling.
11. Student homes shall not be established on properties exceeding 8,000 sq.ft.

d) **Parking:** One (1) off-street parking space per occupant of design capacity. Impervious surface requirements may not be exceeded to accommodate off-street parking requirements. Parking may be reduced to one (1) off-street parking space per one and one-half (1.5) occupants of design capacity when the affiliated parent institution provides to the Zoning Hearing Board an affidavit setting forth how parking at the facility will be limited to the number of spaces provided and where additional vehicles will be parked. A parking permit issued to the college student from the parent institution where the student is enrolled for a period commensurate with the occupancy within the Student Home is a sufficient instrument of evidence for compliance. Parking provided by sources/facilities other than the parent institution will require affidavits as instruments of evidence for compliance. On-street parking shall not be a permissible alternative. Approval of this use shall be deemed to expire at such time as the provisions included in this affidavit cease to be enforced by the parent institution.

1.04.007 Retirement Village

a) **Definition:** A building or group of buildings designed to serve the housing needs of people 55+ in a continuum of care environment through facilities which relate both to dependent and independent people, such facilities may include independent living units, sheltered care units, nursing care facilities, and related support services.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per occupant of design capacity.

1.05.001 Planned Residential Unit (PRD)

a) **Definition**: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** To be in accordance with the PRD provisions of this ordinance.

2.01.001 Livestock Farming

a) **Definition:** Use of a property for agricultural purposes involving livestock or animals.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

2.01.002 Kennel / Stable

a) **Definition:** A structure used for the shelter of animals, either as a business or hobby, with or without overnight accommodations.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** If the facility has a staff, than one and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

2.02.001 Crop Farming

a) **Definition:** The farming of land for general crop production. A backyard vegetable garden, accessory to a residential use, is not included in this definition.

b) **General Provisions**: Property must be at least one contiguous acre in size.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

2.02.002 Forestry

a) **Definition:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** N/A

2.02.003 Horticulture

a) **Definition:** The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One and one-half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

3.01.001 Cemetery

a) **Definition:** Property used for the burial of the dead.

b) **General Provisions:**

1. Minimum lot area shall be five (5) acres.
2. Crematoriums shall not be allowed
3. Grave sites shall be set back at least fifty (50) feet from all property lines.
4. No structure other than grave markers shall be located within 350 feet any property line

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One and one-half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space. Parking for vehicles involved in a funeral must be designed into the layout of the facility.

3.01.002 Mortuary / Funeral Home

a) **Definition:** A building in which one (1) or more parlors or rooms are maintained for the temporary resting place of the deceased pending final disposition thereof. Such building may include the following: space and facilities for the preparation of such bodies for burial; a chapel for the purpose of conducting religious or memorial services and viewing; rooms or space for administrative offices for conducting the business of the home; and/or space for the housing of equipment, including motor vehicles. Emergency ambulance service shall not be provided from the building.

b) **General Provisions:**

1) FRONTAGE, ACCESS - Mortuaries shall have frontage on, and access to, an arterial or collector street in all Zoning Districts where allowed.

2) RESIDENTIAL DISTRICT CONDITIONS - In UN and MUI districts, mortuaries shall be established only within existing principal buildings in addition to authorized extensions thereto.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 50 square feet of floor area for public use, or one off-street parking space per four seats in the assembly area, whichever is greater.

3.01.003 Crematorium

a) **Definition:** A facility licensed by the Pennsylvania Department of Environmental Protection and equipped with a furnace for the purpose of reducing the deceased to ashes by heat.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per employee of the largest shift.

3.01.004 Memorial Garden

a) **Definition**: Land used for cremated remains including a garden for cremated remains or columbarium for cinerary interment or a combination thereof.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) Minimum lot area shall be five (5) acres.
2) Crematoriums shall not be allowed
3) Grave sites shall be set back at least fifty (50) feet from all property lines.
4) No structure other than grave markers shall be located within 350 feet any property line

d) **Parking**: One and one-half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space. Parking for vehicles involved in a funeral must be designed into the layout of the facility.

3.02.001 Library

a) **Definition**: A building containing books, periodicals, reference materials, computers, and other media for the general public to review and/or borrow.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.02.002 Community Center

a) **Definition:** A building used for recreational, social, educational, and cultural activities associated with the operation of a non-profit organization.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.02.003 Art Gallery

a) **Definition:** A building where art is created, displayed, and/or offered for sale.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.02.004 Museum

a) **Definition**: A building or institution where objects of artistic, historical, or scientific importance are kept, studied, and displayed.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.02.005 Theater

a) **Definition**: A building used to show motion pictures, or to perform dramatic productions, music or other live performances.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per four seats of total capacity or adequate public parking facility located within 300 feet of the theater.

3.03.001 Educational Facility - Grades K-12 or Equivalent

a) **Definition:** Includes public and private elementary and secondary schools, charter schools, and alternative education facilities.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1. Must occupy a building previously built and intended to be used as a school.

2. Replacement structures cannot exceed existing footprints.

d) **Parking**: One (1) off-street parking space per employee plus one off-street parking space for each twenty students under grade ten or equivalent, and one space for each ten students grade ten or greater, or equivalent. The number of students of each age shall be based on design capacity.

3.03.002 Educational Facility - Post Grade 12 or Equivalent

a) **Definition:** Includes colleges, universities, business schools, community college, and trade schools, other than those defined as "Industrial Education."

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per employee plus one off-street parking space for each three students based on design capacity.

3.03.003 Specialized Instruction - Dance, Music, and Art

a) **Definition**: This includes Visual Arts and Crafts, Theatrical Arts, and Applied Arts.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per employee plus one off-street parking space for each three students based on design capacity.

3.03.004 Industrial Education

a) **Definition**: Specialized school teaching industrial skills. This definition differs from a "Trade School" in that instruction is taught in an industrial setting or facility rather than a classroom environment.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per employee plus one off-street parking space for each student based on design capacity.

3.04.001 House of Worship

a) **Definition**: A building, structure or group of buildings or structures, including accessory uses, designed or intended for worship by any faith. This definition includes churches, synagogues, mosques, temples, and any other similar use. Accessory uses may include rectories, convents, church-related schools, church day-care facilities, cemeteries, memorial gardens, columbariums, or any combination thereof.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) Must be proposed in an existing structure originally built for use as a place of assembly.
2) Replacement structures are not to exceed the footprint of the existing structure.

d) **Parking:** One (1) off-street parking space per four seats provided for public assembly or one (1) off-street parking space per 250 ft² of gross floor area when no seats are provided.

3.05.001 Jails and Prisons

a) **Definition:** A building used to detain convicted criminals or persons awaiting trial for a crime and under the administration of the Federal, Commonwealth, County, or Local Municipal government. This term shall include facilities where prisoners may be released for a portion of their day to attend work or participate in other activities as may be permitted by the prison.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per employee of largest shift, plus one off-street parking space per visitor, based on design capacity. If prisoners, such as work-release inmates, are permitted personal vehicles then one additional off-street parking space must be permitted for each prisoner permitted to park on-site.

3.05.002 Halfway Houses

a) **Definition:** A residence or center designed to ease people back into society after their release from an institution such as prison. A halfway house will be located within a dwelling designed and used as a residence for more than two (2) and less than twelve (12) unrelated people. The facility must be directly affiliated with a parent institution which provides for the overall administration of the residents who are required to reside on premises to benefit from services. Such administration is through the 24-hour on-site direction of paid professional staff and for the supervision of residents by full-time resident staff.A halfway house is for persons who are not currently completing a prison sentence. Facilities for persons completing sentences shall be classified as a "Jail and Prison."

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) **HABITABLE FLOOR AREA** - Halfway houses shall provide at least two-hundred (200) square feet of gross floor area for each occupant.
2) **CODES** - The dwelling must meet all applicable City Health, Building and Fire codes. The facility shall comply with all other applicable safety and fire codes of the Federal, State and Local government.
3) **SIGNAGE** - Signs shall be allowed in accordance with Article 1308 Sign Requirements.

4) An on-site resident staff person must be present at all times. This person is to be identified as a paid professional with an appropriate license or certification. Any resident benefitting from the services which this house was established to provide for the residents shall be precluded from serving in this capacity.

d) **Parking:** One (1) off-street parking space for each resident plus one (1) off-street parking space for each employee (on-site staff) of the largest shift.

3.06.001 Child Care Center

a) **Definition:** A child care facility in which seven (7) or more children who are not related to the operator receive child care. A child care center must have a certificate of compliance ("license") from the DPW in order to legally operate.

b) **General Provisions:**

1) **LICENSURE** - The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
2) **PLAY AREAS** - Indoor and outdoor play areas shall be provided in accordance with Commonwealth of Pennsylvania regulations, as specified in 55 PA Code, Section 3270. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children. Outdoor play areas must be screened in accordance with Article 1305.02 Buffering and Screening. A child care center without at least forty (40) square feet of outdoor play area shall only be permitted if located within one-half (1/2) mile walking distance of a City park.
3) **DROP-OFF / PICKUP** -Adequate vehicle stacking space must be provided for drop-off/pick-up of children.
4) **SIGNS** - Signage visible from the street must comply with Article 1308 Signs.
5) **RESIDENTIAL DISTRICTS** - In residential districts, the childcare center must be an accessory use either to the building or business.
6) **ADDITIONAL REQUIREMENTS** - All local licensing and permit requirements/standards shall be met.
7) **HOURS OF OPERATION** - Must be suitable to neighborhood where use has been proposed. Overnight care may be permitted when approved by the Pennsylvania Department of Public Welfare.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per employee plus one (1) off-street parking space for each two classrooms.

3.06.002 Group Child Care Home

a) **Definition**: A child care facility in which seven (7) through twelve (12) children of various ages or in which seven (7) through fifteen (15) children from 4th grade through fifteen (15) years of age who are not related to the operator receive child care. A group child care home must have a certificate of compliance ("license") from the Department of Public Welfare (DPW) in order to legally operate.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) **LICENSURE** - A Group Child Care Home must have a certificate of compliance ("license") from the Commonwealth of Pennsylvania Department of Public Welfare in order to legally operate. In addition, the home must be in compliance with all applicable City Health, Building and Fire codes.
2) **PLAY AREAS** - Indoor and outdoor play areas shall be in compliance with DPW requirements as specified in 55 PA Code 3280. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children. Outdoor play areas must be fenced or screened in accordance with Section 1305.02 Buffering and Screening.
3) **UNSIGHTLY CONDITIONS** - Child care daily operations must not cause unsightly conditions or waste that is visible from off the property except for normal trash loads placed on curb for regular trash pick-up day.
4) **SIGNS** - Signage visible from the street must comply with Article 1308 Signs.
5) **TRAFFIC** - The child care operation must not create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic for the street on which the dwelling or building is located. Adequate vehicle stacking space must be provided for drop-off/ pick-up of children.
6) **HOURS OF OPERATION** - Must be suitable to neighborhood where use has been proposed. Overnight care may be permitted when approved by the Pennsylvania Department of Public Welfare.

d) **Parking:** One (1) off-street parking space per employee plus one (1) off-street parking space for each two classrooms.

3.07.001 Hospital

a) **Definition:** Any institution licensed by the Commonwealth of Pennsylvania as a "hospital," which receives inpatients and outpatients and renders medical, surgical or obstetrical care twenty-four (24) hours per day. Hospital shall also include nursing facility, including facilities for mental patients, epileptics, alcoholics, senile psychotics or drug addicts that are cared for or treated. Accessory medical uses such as eating establishments, mortuaries and retail uses may be provided on site.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per two beds, plus two (2) off-street parking spaces per three employees of the largest shift, plus one (1) off-street parking space per staff doctor.

3.07.002 Medical Facility

a) **Definition**: A building or group of buildings established where patients are accepted for special study, treatment and related services by a group of medical practitioners for the purpose of providing health services to people on an outpatient basis. This definition includes lab facilities, specialized clinics, plasma donation centers and other blood establishments.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.07.003 Medical Office

a) **Definition**: An office where patients are seen by doctors, dentists, orthodontists, and other similar licensed medical professionals.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors.

3.07.004 Methadone Treatment Facility

a) **Definition**: A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

b) **General Provisions**: N/A

c) **Conditional Use Provisions:** All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13, and the following requirements shall apply:

1) Notwithstanding any other provision of law to the contrary and except as provided in subsection (2), a methadone treatment facility shall not be established or operated within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

2) Notwithstanding subsection (1), a methadone treatment facility may be established and operated closer than 500 feet of an existing school, public playground, public park, residential housing area, childcare facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, City Council votes in favor of the issuance of an occupancy permit or certificate of use for said facility at such a location. At least 14 days prior to City Council voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than 500 feet of an existing school, public playground, public park, residential housing area, child care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice. All owners of real property located within 500 feet of the proposed location shall be provided written notice of said public hearings at least 30 days prior to said public hearings occurring.

3) This section shall not apply to a methadone treatment facility that is licensed by the Department of Health prior to May 15, 1999.

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors.

3.08.001 Veterinarian / Animal Hospital - Household Pets

a) **Definition:** A place where dogs, cats, and other small animals commonly kept as a household pet, are given medical or surgical treatment.

b) **General Provisions:**

1) Use of the facility as a kennel for overnight accommodations shall not be permitted except for pets undergoing medical or surgical treatment.

2) With the exception of dogs, pets shall not include any animal which at full growth is expected to exceed 100 pounds in weight.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.08.002 Veterinarian / Animal Hospital - Non-Household Animals

a) **Definition:** A place where animals other than common household petsare given medical or surgical treatment.

b) **General Provisions:**

1) Use of the facility as a kennel for overnight accommodations shall not be permitted except for animals undergoing medical or surgical treatment.
2) The facility must be fenced to insure that all animals brought to the facility remain within the property area designated for this use.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of gross floor area.

3.09.001 Adult Care Home

a) **Definition:** A portion of a dwelling, other than the person's residence, in which services are provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health and educational needs for part of a twenty-four (24) hour day. Care is provided for up to six (6) people unrelated to the operator. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) space per resident and one (1) space for every 3 persons receiving care.

3.09.002 Adult Care Facility

a) **Definition:** A building, or portion of a building, other than the person's residence, in which services are provided or arranged to assist in meeting the needs, including personal care, social, nutritional, health and educational needs for part of a twenty-four (24) hour day. Care is provided for more than six (6) people unrelated to the operator. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

b) **General Provisions:**

1) **LICENSURE** - The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania and shall provide a copy of the certificate to the City prior to occupancy approval by the City. The facility must be in compliance with all applicable City Health, Building and Fire codes.
2) **RECREATION AREAS** - Indoor and outdoor recreation areas shall be provided in accordance with Commonwealth of Pennsylvania regulations, as specified in 55 PA Code, Section 3270. Outdoor recreation areas for adults must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the adults. Outdoor recreation areas must be screened in accordance with Article 1305.02 Buffering and Screening. An adult care facility without at least forty (40) square feet of outdoor recreation area shall only be permitted if located within one half (1/2) mile walking distance of a City park.
3) **DROP-OFF / PICKUP** -Adequate vehicle stacking space must be provided for drop-off/pick-up of adults.
4) **SIGNS** - Signage visible from the street must comply with Article 1308 Signs.
5) **RESIDENTIAL DISTRICTS** - In residential districts, the adult care facility must be an accessory use either to the building or business.
6) **ADDITIONAL REQUIREMENTS** - All local licensing and permit requirements/standards shall be met.
7) **HOURS OF OPERATION** - Must be suitable to neighborhood where use has been proposed.
8) **OCCUPANCY** - Minimum habitable floor area per resident shall be in accordance with the applicable building code and state licensing requirements.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) space per resident and one (1) space for every 3 persons receiving care.

3.09.003 Nursing Home

a) **Definition**: An institution that provides either skilled or intermediate long-term nursing care to patients, who are unrelated to the nursing home administrator for a period exceeding twenty-four (24) hours. The building must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** Special Exception Provisions: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) space per resident and one (1) space for every 3 persons receiving care.

3.09.004 Personal Care Facility

a) **Definition:** A dwelling providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel. The facility must be licensed by the Commonwealth and be conducted in accordance with Commonwealth requirements.

b) **General Provisions:**

1) **OCCUPANCY** - Minimum habitable floor area per resident shall be in accordance with the applicable building code.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 1,000 sq.ft. of gross floor area.

3.10.001 Emergency Shelter

a) **Definition:** A building or dwelling owned and/or operated by a non-profit business entity that provides emergency services and shelter to clients. Temporary shelters established for disasters (i.e. fires, storms, power outages, etc.) are not covered by this definition.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1. **CODES** - The facility must be in compliance with all applicable City Health, Building and Fire codes.
2. **ACCESSORY USES** - The facility may contain office space for case management, administration, health care, workshops, training and other similar activities. No more than thirty percent (30%) of the building may be used for accessory uses.
3. **LENGTH OF STAY** - Clients of the shelter may reside at the property no more than sixty (60) calendar days per year.
4. **SIGNAGE** - Emergency shelters must address the standards of Article 1308 Sign Requirements

d) **Parking**: One (1) off-street parking space per 500 sq.ft. of gross floor area.

3.10.002 Community Food Bank

a) **Definition:** A building used to collect food donations for redistribution to persons in need. Distribution can be as a charitable donation or at a cost substantially lower than would customarily be charged at a retail grocery store.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking:** One (1) off-street parking space per 500 sq.ft. of gross floor area, excluding warehousing areas, plus one (1) off-street parking space per employee.

3.10.003 Club, Not For Profit

a) **Definition:** An organization catering exclusively to members and their guests including premises and/or buildings for social, recreation, and administrative purposes that are not conducted for profit, providing also that merchandising or commercial activities are not conducted except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social and athletic clubs.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of gross floor area.

4.01.001 Adult Entertainment Facility

a) **Definition:** An establishment whose purpose is to provide adult entertainment of a sexual nature, including, but not limited to, adult bookstores, adult video stores, adult video booths, adult cabaret, adult theaters, and/or adult massage parlor or studio.

b) **General Provisions:**

c) **Conditional Use Provisions**: All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13, and the following requirements shall apply:

1) **PURPOSE** - Pursuant to the authority granted in the Municipalities Planning Code to promote the health, safety, morals and general welfare of the inhabitants of the City of York by meeting a community goals and objectives as described in Section 1301, the purpose of this Section is to regulate the location and placement of adult facilities, including adult bookstores, adult cabarets and adult theaters, thereby controlling and minimizing the adverse effects of those sexually-oriented businesses and thereby protecting the health, safety and welfare of its citizens, protecting the citizen's property values and the character of surrounding neighborhoods and deterring the spread of blight.

The City of York does not intend this section to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of sexually-oriented businesses. It is not the intent of the City in enacting this ordinance to deny any person rights of speech protected by the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania, or both, nor is it the intent of the City to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books or other materials. Further, by enacting this ordinance, the City does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually-oriented materials or conduct protected by the Constitution or the United States or the Constitution of the Commonwealth of Pennsylvania, or both, nor does it intend to restrict or deny any constitutionally protection rights that distributors or exhibitors of sexually-oriented materials have to sell, distribute or exhibit such materials.

2) **FINDINGS** - The City of York finds as follows:

A. **BACKGROUND** - Law enforcement personnel have determined, and statistics and studies performed in a substantial number of communities in this Commonwealth and in the United States, indicated that sexually-oriented businesses have adverse secondary effects, which secondary should be regulated to protect the public health, safety and welfare. These secondary effects include, but are not limited to: the spread of communicable diseases, performance of sexual acts in public places, presence of discarded sexually-oriented materials on public and private property, sexual harassment, obscenity, prostitution and other illegal sexual activities, crimes, decreased property values and neighborhood deterioration.

B. **SECONDARY EFFECTS** - Based on evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated in the cases of City of Renton v. Playtime Theatres Inc., 475 U.S. 41 (1986); Young V. Amer. Mini Theatres, 426 U.S. 41 (1976); and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991) and other information available to the City, the City finds as follows:

1) Sexually-oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

2) Certain employees of adult cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually-oriented businesses, especially those which provide private or semiprivate booths or cubicles for viewing films, videos or live sex shows. Furthermore, adult bookstores tend to attract customers who engage in unprotected, high risk sexual activities.

4) People frequent certain adult theatres and other sexually-oriented businesses for the purpose of engaging in sexual activities within the premises of such sexually-oriented businesses.
5) At least fifty (50) communicable diseases may be spread by activities occurring in sexually-oriented businesses, including, but not limited to: syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, Hepatitis B, Non A, Non B, amebiasis, salmonella infections and shigella infections.
6) The Surgeon General of the United States, in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components and from an infected mother or her newborn child.
7) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
8) Numerous studies have indicated that sexually-oriented businesses have substantial negative impact on property values and cause neighborhood blight.
9) The findings noted above raise substantial governmental concerns.
10) Sexually-oriented businesses have adverse secondary effects, which secondary effects should be regulated through zoning to protect public health, safety and welfare.
11) The general welfare, health and safety of the citizens of the City will be promoted by the enforcement of this Section.

C. **INTERPRETATION OF REGULATION** - In interpreting and applying the provisions of this Section, they shall be held to be the minimum requirements for the promotion of the public health, safety, comforts, convenience and general welfare of City of York citizens. Where the provisions of any statute, other ordinance or regulations impose greater restrictions than this section, the provisions of such statute, other ordinance or regulation shall be controlling. Where the provisions of this Section impose greater restrictions than those of any statutes, other ordinance or regulation, the provisions of this Section shall be controlling to the extent allowed by law. However, in no case, shall the provisions of this Section be interpreted in such a manner as to violate the United States Constitution or the Constitution of the Commonwealth of Pennsylvania.

D. **REGULATIONS**

1) All lot lines of any lot upon which an adult bookstore is to be located shall be more than one-thousand (1,000) feet from any lot line of any lot upon which is located another sexually-oriented business.

2) All lot lines of any lot upon which an adult bookstore is to be located shall be more than one-thousand (1,000) feet from any lot lien of any lot upon which is located a public or private school, park or playground, child day care center, child day care home, house of worship or residence, and any boundary line of any Residential Zoning District, including those in the City of York or any neighboring municipality.

3) The one-thousand (1,000) feet reference in Subsection (c)(1) and (2) shall be measured in a straight line between the nearest lot line of the adult bookstore to the nearest point on the lot line of the district or facility referenced in these sections.

4) No materials, merchandise, film or service offered for sale, rent, lease, loan or for review shall be exhibited, displayed or graphically represented outside of a building or structure.

5) Any building or structure used and occupied as a sexually-oriented business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment shall be visible from outside of the structure.

6) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.

7) Each and every entrance to the structure shall be posted with a notice of a least four (4) square feet that the use is an adult bookstore, that people under the age of eighteen (18) are not permitted to enter and warning all others that they may be offended upon entry. This sign shall not count towards the business' allocated sign allotment.

8) The sexually-oriented business building and parking areas shall be sufficiently illuminated so as to deter illegal activity and provide visibility to every point on the site, as measured at the surface of the ground. All such lighting shall be shielded from adjacent properties and streets.

9) All applicable City codes and licensing requirements must be met.

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of gross floor area.

4.02.001 Airport - General

a) **Definition**: An area of land, water, or structural surface designed for discharge or pickup of passengers or cargo from or by airplanes, plus accessory buildings use.

b) **General Provisions**: N/A

c) **Conditional Use Provisions**: All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13.

d) **Parking**: To be determined by City Council based on the specifics of a conditional use application.

4.02.002 Heliport

a) **Definition**: An area of land, water, or structural surface designed for discharge or pickup of passengers or cargo from or by helicopters, plus accessory buildings and uses.

b) **General Provisions:** N/A

c) **Conditional Use Provisions:** All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13.

d) **Parking**: To be determined by City Council based on the specifics of a conditional use application.

4.02.003 Helistop

a) **Definition**: An area of land, water, or structural surface designed for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c), and the following requirements shall apply:

1) **PROHIBITED** - No fuel service, maintenance or overhaul facilities shall be included.
2) **LANDING AREA MINIMUM** - A minimum landing area of one-hundred (100) feet by one-hundred (100) feet shall be provided except for rooftop land areas, which shall have a minimum landing area of forty (40) feet by forty (40) feet.
3) **FENCING, SCREENING** - All landing areas, except for rooftop landing areas higher than thirty-five (35) feet, shall be surrounded by a fence at least eight (8) feet in height or screening in accordance with Section 1305.02 Screening and Buffering.
4) **ADJOINING LAND USES** - The proposed helistop shall not adversely affect adjoining land uses, the safety of nearby residents or employees, or the future growth and development of the area.
5) **ACCESSORY USE** - The proposed helistop shall be permitted only as an accessory use to a permitted use in the Zoning District in which the helistop is proposed.

6) **FAA REQUIREMENTS** - Helistops must comply with all applicable regulations of the Federal Aviation Administration (FAA).

d) **Parking**: N/A

4.03.001 Bank/Credit Union

a) **Definition**: A business that keeps money and offers financial services for individual people or companies. A Bank/Credit Union differs from a Financial Office in that a Bank/Credit Union offers retail counter service to its customers at its facility.

b) **General Provisions**:
1) A Bank/Credit Union may be an accessory use if located within another permitted business and primarily serves the employees of that business.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors, in addition to one (1) space per employee.

4.03.002 Business, Financial, Professional Office

a) **Definition**: A service oriented occupation use wherein the professional services of the practitioner are the salable commodity offered to the client. A use that involves administrative, clerical, or professional operations and operations of a similar character. A Bank/Credit Union and Contractors' Officeswith Storage are NOT included in this definition.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors, in addition to one space per employee.

4.03.003 Business Service Establishment

a) **Definition**: An establishment whose business is to provide office and business services. The services are provided on-site or preparation of goods is conducted on-site for use at a different location. Those activities are limited to: the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending devices or frozen food lockers; the painting, repair and assembly of signs; printing, copy and photo stating services; arts, crafts, drafting and stationery supplies; food catering; interior decorating; taxidermy; upholstering; and laundry and dry cleaning plants. Uses which shall not be interpreted to be business service establishments are: retail shops and stores; gasoline and motor vehicle service stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor's offices.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 800 sq.ft. of gross floor area, plus one (1) off-street parking space per 1,500 sq.ft of lot area devoted to outdoor sales and/or storage.

4.03.004 Pet Grooming - No Overnight Boarding

a) **Definition**: A building where household pets are brought for grooming, including but not limited to hair cutting, washing, and care of teeth and nails.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 500 sq.ft. of gross floor area.

4.03.005 Repair and Maintenance of Small Appliances, Clothing, Jewelry, Radio/Television, Tools, Bicycles, Guns, Locks, Shoes

a) **Definition**: A facility established to provide for the repair and maintenance of small appliances, clothing, jewelry, radio/television, tools, bicycles, guns, locks, and shoes.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 500 sq.ft. of gross floor area.

4.03.006 Recreational Facility, Commercial

a) **Definition**: An activity operated as a gainful business and open to the public for the purpose of public entertainment or recreation including, but not limited to: bowling alleys, theaters, health clubs, miniature golf courses, video arcades, arenas, swimming pools, skating rinks and public grounds.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per four persons of design capacity.

4.04.001 Eating Establishment, Sit-Down

a) **Definition**: A public eating place inspected and licensed by the City of York Bureau of Health offering primarily sit-down counter or table service and custom foods prepared on-site for on-premises consumption. This definition also applies to those restaurants which are approved and licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 100 sq.ft. of gross floor area, or one (1) off-street parking space perfour seats, whichever is greater, plus one (1) off-street parking space per two full time employees of the largest shift.

4.04.002 Eating Establishment, Fast-Food

a) **Definition**: A public eating place inspected and licensed by the City of York Bureau of Health primarily offering primarily food which is ordered at a counter or a drive-through, prepared for each customer, and served in a matter of minutes. Menus are displayed on signs displayed at the ordering counter and, where applicable, at the drive-through area. Table service is not provided. Most establishments meeting this definition will be a franchise or chain, although not required.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 100 sq.ft. of floor area, not including areas restricted from public access, or one (1) off-street parking space per four seats, whichever is greater, plus two (2) off-street parking space per three full-time employees of the largest shift.

4.04.003 Eating Establishment, Quick Serve

a) **Definition**: A public eating place inspected and licensed by the City of York Bureau of Health primarily offering stand-up counter, vending devices, window or in-car service and offering packaged prepared or standardized food for either on or off-premises consumption.

b) **General Provisions:**
1. Vending devices are only permitted when enclosed within a building.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 50 sq.ft. of gross floor area, or one (1) off-street parking space per four seats, whichever is greater, plus two (2) off-street parking space per three full-time employees of the largest shift.

4.04.004 Eating Establishment, Nightclub

a) **Definition**: A use which is a place of amusement similar to such uses as a bar, cocktail lounge or restaurant in the serving of food or drink, but distinguished from such uses by the provision of live entertainment and/or dancing facilities. Nightclubs include, but are not limited to: bars with live entertainment and discotheques. This use shall not include any entertainment of a sexual nature and is not to be confused with adult entertainment facilities.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 50 sq.ft. of gross floor area, or one (1) off-street parking space per four seats, whichever is greater, plus two (2) off-street parking spaces per three (3) full-time employees of the largest shift.

4.04.005 Eating Establishment, Tavern

a) **Definition**: An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 50 sq.ft. of gross floor area, or one (1) off-street parking space per four seats, whichever is greater, plus two (2) off-street parking spaces per three (3) full-time employees of the largest shift.

4.04.006 Eating Establishment, Brew Pub

a) **Definition**: A facility where malt or brewed beverages are manufactured on-site. The mini-brewery may sell, transport and deliver malt beverages to various off-site locations; however, the majority of the manufactured malt or brewed beverage products is sold and consumed on-premises. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 50 sq.ft. of gross floor area, or one (1) off-street parking space per four seats, whichever is greater, plus two (2) off-street parking spaces per three (3) full-time employees of the largest shift.

4.05.001 Bed & Breakfast

a) **Definition**: An owner occupied dwelling where sleeping units are rented to overnight guests on a nightly basis. Dining and other facilities shall not be open to the public, but shall be exclusively available to registered guests and their visitors. Rooms shall not have separate utilities or provisions for cooking.

b) **General Provisions:**

1) The individual or family who operates the facility must occupy the house as their primary residence.

2) Bed and breakfast facilities are limited to a maximum of 5 bedrooms for guests.

3) Bed and breakfast facilities may have nonresident employees for such activities as booking rooms and food preparation. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of approval.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: Two (2) off-street parking spaces plus one (1) off-street parking space for each guest room available for rent to guests.

4.05.002 Hotels, Motels, Convention Center

a) **Definition**: A building or group of buildings designed primarily to offer transient lodging accommodations on a daily rate while providing twenty-four (24) hour service for receiving and assisting the general public tenants. The building may provide additional services, such as restaurants, meeting rooms and recreational facilities.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space for each room plus one (1) off-street parking space for each 400 sq.ft. of space devoted to accessory uses.

4.06.001 Motor Vehicle Sales, Repair, and Rental

a) **Definition**: An establishment for the sale or rental of motor vehicles and/or the repair or servicing of same vehicles, including painting, spraying, body and fender work or the presence of a car-washing facility, provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One off-street parking space for each service bay and one off-street parking space per 400 sq. ft. of net floor area devoted to sales, and one off-street parking space per each employee of the largest shift.

4.06.002 Motor Vehicle Service

a) **Definition**: Any area of land, including structures thereon or any building or part thereof, used for the sale of gasoline, other motor vehicle fuel or accessories, which may or may not include facilities for lubricating, washing, servicing, major repairs, painting, body and fender repairs, vehicular rentals and automatic car washes, but shall not include vehicular sales.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One off-street parking space for each service bay and one off-street parking space per 400 sq. ft. of net floor area devoted to sales, and one off-street parking space per each employee of the largest shift.

4.06.003 Motor Vehicle Gasoline Station

a) **Definition**: Any area of land, including structures thereon, used for the sale of gasoline or any other motor vehicle fuel, oil and other lubricating substances, including any sale of motor vehicle accessories at retail only, and which may or may not include facilities for lubricating, washing and servicing motor vehicles, but shall not include major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One off-street parking space for each service bay and one off-street parking space per 400 sq.ft. of net floor area devoted to sales, and one off-street parking space per each employee of the largest shift.

4.06.004 Car Wash / Detailing

a) **Definition**: A facility used primarily for exterior and interior washing and detailing of motor vehicles, not involving the sale or dispensing of fuel or the repair of vehicles.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One space per employee.

4.07.001 Retail - General

a) **Definition**: Establishments limited to shops and stores whose primary activities involve the sale or lease of: amusements and games; antiques; art; books; beverages; carpets and rugs; ceramics and glass; confections; drugs; dry goods; flowers; food; furniture; gifts; garden supplies; hobbies; hardware; household appliances, household pets and supplies; leather goods; musical supplies and equipment; notions; paint; periodicals; photographs and photographic equipment; radio-television and sound equipment; sporting and camping goods; stationery; tobacco; toys and wearing apparel. The wholesale distribution or manufacture of the aforementioned products is not included.

b) **General Provisions**: Vending devices shall be considered a retail use and must be placed within the interior confines of the building (see §1304.1-7.18).

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 200 sq.ft. gross floor area.

4.07.002 Retail - Shopping Center

a) **Definition**: A group of two or more retail stores built around a shared parking area. Restaurants and other businesses may also be included if developed as an integral part of the center.

b) **General Provisions**: N/A

c) **Conditional Use Provisions:** A shopping center requiring subdivision or land development approval must provide the following:

1) **OWNERSHIP** - The shopping center shall be under single ownership of an integrated design for development consisting of three (3) or more distinct commercial areas separated by physical barrier or through a lease arrangement;
2) **TRAFFIC IMPACT STUDY** - During Land Development review, a Traffic Impact Study shall be conducted and presented to the City for review and analysis. The traffic study shall be prepared by a certified traffic engineer, or alternative traffic expert acceptable to the Planning Bureau. The scope of the study shall include internal circulation but not be limited to parking capacity and an analysis of traffic movements to the nearest arterial street. The Bureau shall be provided with sufficient evidence regarding the marketing and leasing arrangements to make a reasonable study of the proposal;
3) **ACCESS, LOT LINES** - The shopping center development shall be within the lot lines of the development. Access to parking, loading and service areas shall be controlled by means of access roads.
4) **SCREENING** - Screening shall be accomplished between the shopping center and adjoining residential districts in accordance with Article 1305 Buffering and Screening.
5) **SIGNS** - Signs shall be allowed in accordance with Article 1308 Signs.

d) **Parking**: One (1) off-street parking space per 200 sq.ft. gross floor area.

4.08.001 Hair Care

a) **Definition**: An establishment whose primary function is the care of hair. Included in this definition are barber shops and hair salons which must be licensed by the Commonwealth of Pennsylvania. Nail care and painting may be performed incidental to this use.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one-half (1.5) spaces per employee.

4.08.002 Laundromat, Dry Cleaning Drop-Off/Pickup

a) **Definition**: Establishments with self-service laundry washers and dryers. The drop off and pickup of dry cleaning is also included in this definition, although the processing of dry cleaning may not be performed on-site.

b) **General Provisions:** N/A

c) **Special Exception Provisions:**
1) In addition to all other provisions, when established within UN1 or MUI1 zoning districts, all provisions of section 1304.1-4.09 shall also apply.
2) All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One space per 200 sq.ft. of gross floor area. When established within UN1 or MUI1 zoning districts, no off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.08.003 Tattoo / Body Art

a) **Definition**: Establishment whose principal use involves art related to the human body. Uses within this definition include tattoos, body piercings, and other forms of body art, including nail care and painting when operated separately from a hair care establishment.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One space per 200 sq. ft. of gross floor area.

4.08.004 Day Spa

a) **Definition**: A day spa is an establishment whose primary purpose is for customers to visit for professionally administered personal care treatments such as massages and facials. Customers remain at the establishment only for the duration of the treatment. Massage of a sexual nature is not included in this definition and would be defined as Adult Entertainment.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One space per 200 sq. ft. of gross floor area.

4.08.005 Health / Fitness Facility

a) **Definition**: An establishment that provides facilities including, but not limited to aerobic exercise, weight training, running, jogging, swimming, saunas, Yoga, and hot tubs. Activities of a sexual nature are not included in this definition and would be defined as Adult Entertainment.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One space per 200 sq.ft. of gross floor area.

4.08.006 Tailoring / Dressmaking

a) **Definition**: Establishment where clothing is made, altered, or repaired one piece at a time. Mass production of clothing would be an industrial use.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** N/A

d) **Parking**: One space per 200 sq.ft. of gross floor area.

4.09 Neighborhood Commercial

The following list of general provision requirements is to be applied to all neighborhood commercial use

1) Neighborhood commercial use must locate at a property located at the intersection of at least two public streets. Alleys at the rear or side of properties do not apply under this provision. In UN-2 districts, public streets eligible for nonresidential use are limited to Major Arterial and Collector streets, as classified in the York City Street Classification Map, appended hereto. In MUI-1, MUI-2, and UN-1 districts, public streets eligible for nonresidential use include Major Arterial, Collector, and Local Collector streets.
2) An existing non-residential use, in a district where neighborhood commercial uses are permitted, may be changed to residential or any other permitted use. Changes to commercial use may only be to a neighborhood commercial use, and within the UN-2 districts, only by special exception. In such cases, in order to approve the special exception, the Zoning Hearing Board must determine that the proposed use has an equal or reduced impact on the neighboring properties and neighborhood from its most recent use.
3) Where an existing building is being replaced, the square footage of the replacement structure's footprint shall not exceed that of the original building footprint.
4) Except in cases where an existing nonresidential use occupies all floors of a multistory building, nonresidential uses may only be placed on the first floor of the building. Upper stories must be used for residences and/or offices for the first floor business.
5) Retail area or area designated for public use shall be limited to 1,000 square feet.
6) Basements and cellars are to be used only for storage of business-related materials or product for the first floor use.
7) Vending devices must be placed within the interior confines of the building.
8) Public hours of operation shall be from 6:00 a.m. to 10:00 p.m. For any use whose activities and services are likely to cause noise disturbances, such as delivery, pick-up, and outdoor dining, these activities shall be carried out in accordance with the hours and stipulations governing them in the City of York Noise Control Ordinance (Codified Ordinances, Article 714).

9) Outside Trash and storage must be completely enclosed and screened from view of the public right-of-way and/or adjacent properties, in a sanitary fashion and a size appropriate for the use proposed and neighborhood character. Neighborhood grocery stores, eateries, retail boutiques, and other neighborhood commercial uses whose goods or services may generate disposal of wrappers or other litter must provide and maintain a trash and recycling receptacle or receptacles outside the primary entrance or exit used by the public. The receptacles shall be maintained by the property owner and/or operator of the commercial use at the property.

10) No significant structural alterations, including changes to accommodate such things as commercial kitchen exhaust, exterior mechanical equipment, or electrical equipment, shall be made on the primary, character defining façade(s) of the structure.

11) In assessing applications for neighborhood commercial uses, the Zoning Officer and/or Zoning Hearing Board may consider City Planning Commission recommendations regarding design factors that affect compatibility of the use with the character of the subject building and the neighborhood. Within HARB districts, HARB recommendations may also be considered. Compatibility factors include, but are not limited to, materials, color, form, and placement of such alterations or improvements as ADA accessibility ramps and other accommodations; outdoor display of goods, outdoor trash and recycling receptacles, benches or other street furniture; and other visibility from the right-of-way of the defining public streets.

4.09.001 Neighborhood Eatery

a) **Definition**: A small-scale eating establishment designed to primarily serve the neighborhood in which it is located, and suited for eating on- or off-premises. Products may include such items as coffee and other beverages, baked goods, desserts, delicatessen items, and light meals.

b) **General Provisions:** All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply, as well as the following:

1. Sidewalk eating shall conform to appropriate city ordinances.
2. These shops shall have a maximum indoor seating capacity of 15.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: Beyond off-street parking spaces that already exist on-site, no off-street parking shall be required or permitted to be added, unless specifically required or permitted as a condition of a special exception.

4.09.002 Neighborhood Grocery Store

a) **Definition**: A small-scale grocery store designed to primarily serve the neighborhood in which it is located.

b) **General Provisions:** All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.003 Neighborhood Retail Boutique

a) **Definition**: A small-scale retail store designed to primarily serve the neighborhood in which it is located.

b) **General Provisions**: All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.004 Neighborhood Office

a) **Definition**: A small-scale business, professional, or financial office designed to primarily serve the neighborhood in which it is located.

b) **General Provisions:** All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply, as well as the following:

1. A maximum of five employees shall be permitted at the property.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.005 Neighborhood Public Service

a) **Definition**: A small-scale office of a social service organization, district magistrate, or notary public designed to primarily serve the neighborhood in which it is located.

b) **General Provisions**: All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.006 Neighborhood Hair Care

a) **Definition**: A small-scale hair care facility which offers haircuts, hair styling, perms, hair coloring, and other similar hair related services from a Beautician or Barber licensed by the Commonwealth of Pennsylvania. This facility may include manicure and pedicure services as an accessory use.

b) **General Provisions**: All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.007 Neighborhood Tailor/Dressmaker

a) **Definition**: A small-scale facility which offers tailoring and dressmaking services and may include drop off and pickup of laundry and dry cleaning, which are not to be processed on the property.

b) **General Provisions**: All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.008 Neighborhood Art Studio

a) **Definition**: A small-scale facility which provides artistic services, including a photography studio, painting, pottery, and other similar artistic and crafts related services. Facilities which include retail shall be classified as "retail".

b) **General Provisions**: All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

4.09.009 Neighborhood Medical Office

a) **Definition**: A small-scale office where patients are seen by doctors, dentists, orthodontists, and other similar licensed medical professionals. No more than two professionals may occupy each establishment at any one time.

b) **General Provisions:**

All General Provision requirements listed above, in section 4.09, for Neighborhood Commercial shall apply.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: No off-street parking shall be required or permitted, unless specifically required as a condition of a special exception.

5.01.001 Police & Fire Station

a) **Definition**: Facility used for the administrative and operational functions of a federal, state, count, regional, or municipal police and fire departments.

b) **General Provisions:** N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

5.01.002 Public Service Office

a) **Definition**: An office of a social service organization, district magistrate, notary public, private utility, or political organization.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors.

5.01.003 Government Offices

a) **Definition**: An office of a federal, state, county, regional, or municipal governmental agency.

b) **General Provisions**: N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space per 250 sq.ft. of ground floor gross floor area, plus one (1) off-street parking space per 400 sq.ft. of gross floor area on other occupied floors.

5.02.001 Parking, Garage

a) **Definition**: A building or structure consisting of more than one level whose principal use is for the short term, daily, or overnight off-street parking of motor vehicles.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: N/A

5.02.002 Parking, Surface Lot

a) **Definition**: An uncovered one (1) story lot whose principal use is for the short-term, daily, or overnight off-street parking of motor vehicles.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: N/A

5.03.001 Principal Supply Utility

a) **Definition**: Facilities designed to provide electric, natural gas, water, telephone, or other similar public utilities. This definition shall include electrical substations, natural gas substations, sewer pump stations, telephone transfer stations, and other similar facilities.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space. If the facility is "unmanned" then at least one parking space shall be provided for maintenance.

5.03.002 Sewage Facility

a) **Definition**: Facility designed for the collection, treatment, and disposal of liquid waste, including industrial waste.

b) **General Provisions**: N/A

1) All solid waste processing and storage shall be kept a minimum of 150 feet from any of the following features: public street right-of-way, exterior lot line, or perennial river or creek.
2) All solid waste processing and storage shall be kept a minimum of 300 feet from any existing dwelling that the operator of the solid waste facility does not own.
3) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use: a) will have adequate access for firefighting purposes, and b) will not create noxious odors that will be detectable off of the site.
4) No open outdoor burning shall be permitted.
5) All solid waste processing, storage, loading and unloading shall occur within an enclosed building or enclosed containers. All processes shall occur over an impervious surface that prevents polluted runoff from flowing from the site or into the groundwater.
6) The use shall be surrounded by secure fencing and gates.
7) A minimum lot area of three acres shall be required.
8) The use shall be operated in a manner that prevents the attraction, harborage or breeding of insects, rodents or other vectors.
9) An attendant shall be on duty during all hours of loading and unloading.
10) No radioactive, chemotherapeutic, toxic or infectious materials shall be permitted on site.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

5.03.003 Water Facility

a) **Definition**: Facility designed for the collection, retention, treatment, and/or distribution of water to the public or its customers. Lakes, ponds, and other open spaced elements with no processing or treatment shall be classified as open space and not fall under this definition.

b) **General Provisions**:

1) The use shall be surrounded by secure fencing and gates.
2) A minimum lot area of three acres shall be required.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

5.04.001 Stadium

a) **Definition**: A structure designed primarily for the purpose of viewing sports or other entertainment events played or performed in an outdoor environment. Stadiums may include enclosed or covered areas for office, food service, utility, recreation or event-viewing activities in conjunction with the outdoor seating area.

b) **General Provisions**: N/A

c) **Conditional Use Provisions**:

1) **DIMENSIONAL REQUIREMENTS** - Except as modified in this section, dimensional requirements found in the underlying Zoning District may be waived by City Council if the stormwater management provisions of the Land Development/Subdivision ordinance are met or such provisions are waived by York City Council through the Land Development approval process.
2) **LOT COVERAGE** - The combined coverage of building and impervious surfaces shall not exceed fifty percent (50%) of lot area.
3) **BUILDING SETBACK** - The minimum building setback shall not be less than the required setback of the adjacent Zoning District of the property directly abutting at that line.
4) **HEIGHT** - The maximum building height at the setback line shall be limited to the maximum building height of the adjacent Zoning District of the property directly abutting at that line. The maximum building height shall increase one (1) foot for each additional one (1) foot of setback of any structure from the building setback line.
5) **TRAFFIC** - The applicant shall provide an analysis of the physical conditions of the primary road system servicing the proposed use, including the adequacy of site access for automobiles, buses, trucks, and pedestrians. The analysis shall include information on the current traffic flows on this road system and projections of traffic generated by the proposed use, and shall address the need, if any, for special event traffic management planning. The analysis shall stipulate the number and location areas and demonstrate their adequacy.

6) **SIGNS** - A proposed exterior signage plan shall be provided by the applicant, which shall include a proposal for off-premises signs and a plan for internal site wayfinding signage. Signs within the interior of the stadium, such as advertising signs along the outfield wall, shall not be considered signs for purposes of this Ordinance as long as the signs are intended to be seen by visitors to the stadium and not the general public.
   A. The number, size, and placement of signs shall be in accordance with Article 1308 Signs.
   B. The number and size of signs shall not exceed the minimum needed to direct patrons to the facility, to identify the facility, and to announce event information to the public.
   C. Signs shall not be sized, located, or designed so as to present a safety hazard when viewed from adjacent properties or public roadways.

7) **LIGHTING** - The applicant shall provide a lighting plan and impact study. The plan shall make all reasonable efforts to direct glare away from adjacent residential uses.
   A. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (5/10)-foot candles when measured by a hand held NIST certified light meter in a Residential or Special District.

8) **NOISE** - A plan and impact study regarding sound amplification, public address systems, and other noise-generating activities in the stadium shall be provided, and shall make reasonable efforts to address the impact of such noise on adjacent property.
   A. Noise generated by activities in the stadium or on the stadium site may not exceed the levels stipulated in Section 1307.02(c) Maximum Permissible Sound Levels for Commercial Districts, or the noise level generated by the current use of the property, whichever is greater.
   B. Stadiums must comply with Section 1307.02(d) Deviations from Maximum Permissible Sound Levels, except that restricted hours shall be 11:00 P.M. to 7:00 A.M.

9) **REFUSE AND LITTER** - The applicant shall present a plan describing the manner in which refuse and litter will be controlled to prevent the unreasonable accumulation of refuse in the stadium, the stadium site, and its parking areas.
   A. All refuse and litter shall be removed from the stadium, the stadium site, and its parking areas within twenty-four (24) hours of the completion of each event held in the stadium or on the stadium site. During multi-day events, all refuse and litter shall be removed at the completion of each day's activities.

10) **ACCESSORY USES** - The applicant shall describe the degree to which, and manner in which, accessory uses are incorporated in the stadium.
   A. Accessory uses shall be limited to the following: banquet halls, food and beverage service, retail operations, administrative offices directly associated with the principal uses or permitted accessory uses, training and education facilities directly associated with the principal use, and other uses as City Council determines fit.

B. Accessory uses shall be limited to thirty percent (30%) of the area of the principal building unless the developer can demonstrate that a higher percentage is necessary for financial viability of the stadium.

11) **LANDSCAPING AND BUFFERING** - The applicant shall present a general site landscaping and buffering plan designed to show proposed areas of landscaping and buffering, with particular regard to buffering areas where the stadium or parking lot areas adjoin adjacent residential property.

A. The ten percent (10%) of the total area of parking lot normally required as landscaped area within the parking area by Section XX Landscaping, shall instead be located and arranged at the perimeter of the stadium and its on-site parking to provide enhanced buffering where the stadium site abuts Residential Zoning Districts.

d) **Parking**: Stadium parking requirements shall be determined by the traffic and parking study using industry standards and count data from comparable stadiums. In no case shall the provided parking be less than one (1) parking space per five (5) seats. The applicant must prepare a traffic and parking study demonstrating that ample on and off-site parking exists or will be provided to meet the demand of uses served. At a minimum, such a study must examine trip-generation, hours of operation, quantity of required on-site and proposed off site spaces that will be filled during stadium events and any unusual circumstances that may occur that will exceed the average parking requirement. A maximum of fifty percent (50%) of the demonstrated parking need, as determined by the parking study, shall be provided on-site. The balance of parking must be provided off-site, in public or private parking lots, structures or on-street parking. In residential zoning districts, on-street parking may not be allocated towards the demonstrated parking need.

5.04.002 Open Space and Parks

a) **Definition**: Unimproved land, or water areas, which are conserved for public or private use or enjoyment in its natural state without profit, and exterior recreation and public grounds, such as baseball, soccer, and horseshoes.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: N/A

5.04.003 Public Recreation Facilities

a) **Definition**: An activity operated and open to the public for the purpose of public entertainment or recreation including, but not limited to: bowling alleys, theaters, miniature golf courses, video arcades, arenas, skating rinks and public grounds.

b) **General Provisions**: N/A

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space for each employee of the largest shift, plus one (1) space for each ten (10) persons of design capacity of the facility.

5.04.004 Community Swimming Pool

a) **Definition**: Any pool used or intended to be used as a principal use for swimming or bathing by the public, or by members, that is in or above the ground, over twenty-four (24) inches in depth.

b) **General Provisions:** Must comply with the Pennsylvania Uniform Construction Code, as adopted by the City of York.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One (1) off-street parking space for each employee of the largest shift, plus one (1) space for each ten (10) persons of design capacity of the facility.

6.01.001 Light Industrial

a) **Definition**: Manufacturing, and industrial activities whose operations would be classified by the Pennsylvania Uniform Construction Code as Use Groups F-2 and/or S-2.

b) **General Provisions**: Must comply with the Pennsylvania Uniform Construction Code, as adopted by the City of York.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.01.002 Warehouse, Distribution, Wholesale Business

a) **Definition**: A building or part of a building used or intended to be used primarily for the storage of goods or materials that are to be sold retail or wholesale from other premises, or sold wholesale from the same premises. The term warehouse does not include a retail establishment whose primary purpose is for the sale of goods or materials on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in warehouses. The standard warehouse deals with retailers, wholesalers, and various types of industries. Warehouses operate either as an accessory or a principal use. Warehouses serving an accessory function usually store the goods or equipment of a retail or industrial use. Warehouses operating as a principal use serve a wide range of industrial and commercial clients who do not have sufficient outside on-lot storage.....

b) **General Provisions:** All materials must be enclosed within a building or within a fenced and screened area with no visibility from any point outside the property line.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.01.003 Communication Transmitting and Receiving Facility

a) **Definition**: Facility which includes utility stations, radio towers and transmitting stations, automatic telephone exchanges, cellular telephone towers, micro-relay stations, satellite discs and the like. Excluded from this definition are antennas, radio receivers, etc. for personal use.

b) **General Provisions:**

1) **ALTERNATIVE TOWER STRUCTURES** - Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

2) **ANTENNA** - Any exterior transmitting and/or receiving device, including wire rods, discs, or similar devices, that transmits or receives electromagnetic waves, digital and/or analog signals, radio frequencies (excluding radar signals), wireless communications, signals or other communications signals, mounted on a tower, building or structure.

3) **ANTENNA STRUCTURE** - Includes, but not limited to: towers, poles, brackets and similar devices used to hold and support antenna(s) and/or dish(es).

4) **COMMERCIAL COMMUNICATION TRANSMITTING AND RECEIVING FACILITY**- Includes utility stations, radio towers and transmitting stations, electric substations, pumping stations, automatic telephone exchanges, cellular telephone towers, micro-relay stations, satellite discs and the like. Excluded from this definition are antennas, radio receivers, etc. for personal use.

5) **PERSONAL COMMUNICATION TRANSMITTING AND RECEIVING FACILITY** - Antennas, radio receiving structures, microwave antennas for satellite communication (commonly referred to as a satellite dish), or other similar facilities used to transmit and receive electromagnetic waves for personal use, such as a television or ham radio.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.01.004 Industrial Park

a) **Definition**: Land that is planned, developed, and operated as a coordinated and integrated facility for a number of industrial uses. Circulation, parking, signs, and utilities are planned in an integrated and compatible manner.

b) **General Provisions**:

This use shall only be permitted by Conditional Use.

c) **Conditional Use Provisions**: All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13, and the following requirements shall apply:

1) Individual parcels of not less than three acres shall be provided.
2) The industrial park shall have a minimum of 200 feet of public street frontage. There shall be no minimum public street frontage for individual parcels within the park, although an adequate right-of-way of access shall be provided for each parcel.
3) The principal and accessory buildings, storage yards, off-street parking lots, loading and unloading docks shall not project into the required yard spaces as set forth below. All open space other than parking and loading spaces and access drives shall be covered with a vegetative material.
4) Yards of the following minimum setbacks shall be provided; however, in no case shall the front, side or rear yard depths be less than 60% of the legal right-of-way of the street or streets on which the lot abuts:
   - Front yard setback: 50 feet.
   - Side yard setback: 15 feet.
   - Rear yard setback: 30 feet.
5) Landscaping and buffer yards shall be provided in accordance with the Subdivision and Land Development Ordinance. Such buffer yards may be coterminous with any required yard in the district, and in case of conflict the larger yard requirements shall apply.
6) No building shall be erected to a height in excess of 50 feet; provided, however, that this height may be increased one foot for each additional foot that the width of each yard exceeds the minimum required.
7) All internal streets providing access to parcels within the park shall be a minimum of 20 feet in width, constructed to City specifications. These streets shall remain private. Each parcel shall have a minimum of fifty-foot frontage upon such a street. There shall be no limit upon the length of a private cul-de-sac street.

8) The industrial park shall have a minimum of one street access to a minor arterial or collector street. Additional access may be required by the City. The determination for additional access shall depend upon the number of parcels within an industrial park, potential traffic volume, proposed internal street system and existing traffic volume and condition of the public street used for access.
9) All parcels shall be served by public water and sanitary sewer. All utilities shall be installed underground.

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.01.005 Contractor's Office with Storage

a) **Definition**: A contractor is one who contracts to perform any work or service on a building, equipment, vehicle or facility, at a certain price or rate. The contractor completes the contracted work off-site but maintains an office primarily for administrative, bookkeeping or clerical operations. Inventory and storage of materials and/or vehicles and storage of tools is provided on-site. If no on-site storage is used, the use is a business and professional office.

b) **General Provisions**: All supplies and equipment must be secured within an enclosed building, or within a fenced in area. The fence shall be opaque and shall be at least eight (8') feet in height.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.01.006 Mini-Warehousing / Self-Storage

a) **Definition**: A building or group of buildings divided into separate units or areas used to meet the temporary storage needs of businesses, residents and other individuals. Units may be available to the general public on a self-service basis and/or on a controlled access basis. The term mini-warehouse or self-storage facility does not include community garage, and private garage.

b) **General Provisions:**

1) Lot size shall not exceed 2 1/2 acres.
2) Landscaping and buffer yards shall be provided per the Subdivision and Land Development Ordinance.
3) An outside storage area shall be provided on the interior of the parcel, arranged so that the storage units back onto this area effectively screening it from view. This is the only outside area where storage of any equipment, including but not limited to automobiles, vans, recreational vehicles, boats and trucks or any other materials can be stored. Access to this storage area shall be designed to avoid direct sight into the area from abutting properties and from adjacent streets.

4) All machinery, tanks or other apparatus relying upon combustible fuels shall be stored only in the external storage area. This area shall be the only outside area where vehicles, trailers and boats can be stored.
5) Fencing provided shall be in accordance with this Ordinance.
6) No advertising signs will be permitted on the property other than identifying signs for the mini storage facility itself in accordance with this Ordinance.
7) One small office for the exclusive use of the mini-storage facility operations and management shall be permitted.
8) All lighting shall be shielded to direct light onto the storage units and away from adjacent property and streets.
9) Parking shall be provided by parking/driving lanes adjacent to the buildings of sufficient width to provide adequate room for simultaneous loading and passage. As stated above, required parking spaces may not be rented as, or used for, vehicle storage. Any vehicles parked in the parking/driving lanes in excess of 24 hours will be in violation of this article.
10) The following uses are strictly prohibited:
- Office activities, except as allowed above.
- Establishment of a business, other than the mini-storage business itself.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space, plus one (1) off-street parking space for each ten (10) storage units.

6.02.001 Bulk Plant

a) **Definition**: That portion of a property where flammable or combustible liquids are received by pipe line, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by pipe line, tank car, tank vehicle or container.

b) **General Provisions:**
1) Use must meet all requirements of the Pennsylvania Uniform Construction Code, as adopted by the City of York.
2) Use must meet all state and federal permitting, reporting, and operational requirements, as may be applicable for the specific use.
3) Use must be buffered from neighboring properties by an open space area a minimum of 100 feet. This buffer area shall consist of landscaping, as well as a secure fence a minimum of 10 feet in height.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.02.002 Heavy Industrial

a) **Definition**: Manufacturing, and industrial activities whose operations would be classified by the Pennsylvania Uniform Construction Code as Use Groups F-1 and/or S-1.

b) **General Provisions:**

1) Use must meet all requirements of the Pennsylvania Uniform Construction Code, as adopted by the City of York.
2) Use must meet all state and federal permitting, reporting, and operational requirements, as may be applicable for the specific use.
3) Use must be buffered from neighboring properties by an open space area a minimum of 100 feet. This buffer area shall consist of landscaping, as well as a secure fence a minimum of 10 feet in height.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.02.003 Hazardous Industrial

a) **Definition**: Manufacturing, and industrial activities whose operations would be classified by the Pennsylvania Uniform Construction Code as a High Hazard Use Group H.

b) **General Provisions:**

1) Use must meet all requirements of the Pennsylvania Uniform Construction Code, as adopted by the City of York.
2) Use must meet all state and federal permitting, reporting, and operational requirements.
3) Use must be buffered from neighboring properties by an open space area a minimum of 500 feet. This buffer area shall consist of landscaping, as well as a secure fence a minimum of 10 feet in height.

c) **Conditional Use Provisions:** All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13.

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.02.004 Junkyard

a) **Definition**: The use of more than four hundred (400) square feet of any lot, or the use of any portion of the front yard, for the storage, keeping or abandonment of junk. Stockpiles of material associated with a recycling facility are excluded.

b) **General Provisions:**

1) See buffer requirements in Article 1323. Any new or expanded junkyard shall be surrounded by primarily evergreen plantings with an initial height of 5 feet. Such plantings shall involve species and numbers so as to result in a complete year-round visual screen at least 8 feet in height within 4 years after planting. The use shall be surrounded by an opaque and secure security fence with a minimum height of 10 feet. Any fencing or perimeter walls shall be placed on the inside of required buffer landscaping.
2) Outdoor storage and processing of junk or scrap shall be setback a minimum of: a) 100 feet from the lot line of a dwelling or a residential district, and b) 50 feet from the right-of-way of a public street or any other lot line. Any bulk mechanical crushing of metals shall be setback a minimum of 250 feet from any residential district.
3) Cleared driveways shall be provided around and throughout the junkyard to allow access by emergency vehicles. Parking spacesthat do not obstruct such emergency access shall be provided for customers.
4) Burning or incineration of junk or vehicles is prohibited. All gasoline and oil shall be drained from vehicles and be properly disposed. All batteries shall be removed from vehicles and stored on an impervious surface that is drained to collect any acids for proper disposal.
5) No junk shall be stored at a total height higher than 20 feet above the ground, except where stricter requirements exist in other applicable codes. Where a junkyard directly abuts a residential or mixed use zoning district, the height may not exceed 10 feet above the ground.
6) Noise levels may not exceed 75 decibels at the property line, except when neighboring properties are residential uses, in which case noise levels may not exceed 65 decibels at the property line.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one -half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.02.005 Recycling Facility

a) **Definition**: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, other paper products, glass, metal cans and other products, are either recycled, reprocessed and/or treated to return such products to a condition in which they may again be used for production.

b) **General Provisions:**

1) The facility must be approved, permitted, and operated in accordance with all applicable state and federal requirements.

2) All material must be maintained within an enclosed structure or must be completely fenced and screened from view from all neighboring properties, public-rights of way, or any other point outside of the property on which the activity is conducted.
3) Noise levels may not exceed 75 decibels at the property line, except when neighboring properties are residential uses, in which case noise levels may not exceed 65 decibels at the property line.
4) Hours of operation are limited to 7:00 a.m. to 7:00 p.m. Monday to Friday.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.02.006 Sanitary Landfill

a) **Definition**: A site for the disposal of unwanted or discarded material, including garbage.

b) **General Provisions:** This use shall only be permitted by Conditional Use.

c) **Conditional Use Provisions:** All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13, and the following requirements shall apply:

1) Such municipal or residual solid waste disposal facility, whether a landfill, incinerator, resource recovery or any other system, shall be owned and operated only by a political subdivision of the Commonwealth of Pennsylvania.
2) Such facility shall provide for the disposal only of municipal or residual solid waste as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 Pa. Code, Chapters 271, 273, 275, 277, 279, 281, 283 and 285, as amended, supplemented or revised.
3) If a landfill, no solid waste shall be deposited, either temporarily or permanently, within 300 feet of the property line of any adjoining property or within 300 feet of the street right-of-way line of any public highway. If an incinerator, resource recovery or other such facility, no such storage or disposal structure shall be located within 300 feet of such property line or any public highway.
4) If a landfill, no solid waste shall be deposited, either temporarily or permanently, within 1,000 feet of any dwelling, church, school or any other building used for human occupancy at any time or from time to time, or within 1,000 feet of any residentially zoned property. If an incinerator, resource recovery or other such facility, no storage or disposal structure shall be located within 1,000 feet of such structures or within 1,000 feet of any residentially zoned property.

5) If a landfill, no solid waste shall be deposited, either temporarily or permanently, within 1,000 feet of any river, stream, creek or tributary thereof or within 1,000 feet of any wetland meeting the definitions of Pennsylvania DEP, the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or the U.S. Fish and Wildlife Service.
6) Direct access to the sites shall be available from a highway having a functional classification of major arterial or greater capacity as designated by the City of York Department of Public Works.
7) If a landfill, during such time as any excavation shall be open and used for the disposal of solid waste, the site of the excavation shall be enclosed with a chain link fence or other structure adequate to contain windblown litter and to secure the site against intrusion by unauthorized personnel. If an incinerator, resource recovery or other such facility, all storage of solid waste awaiting disposal shall be within a fully enclosed building and no outside storage shall be permitted at any time.
8) The development plan for the site shall address and comply with all requirements of the Subdivision and Land Development Ordinance to the extent that the same shall not conflict or be inconsistent with or have been preempted by the Solid Waste Management Act and the regulations of the Department of Environmental Protection adopted pursuant thereto.
9) No use and occupancy permit shall be issued for a solid waste disposal facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Protection and has been permitted, in writing, by said agency
10) Landscaping and buffer yards meeting the requirements of the Subdivision and Land Development Ordinance as a minimum shall be provided around the property.

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.03.001 Quarrying, Processing, Storage, and Sale of Stone and Related Products

a) **Definition**: Extracting and removing rock, stone, soil, gravel, sand, and other similar materials from the surface or subsurface and the storage and sale of these materials.

b) **General Provisions**:

c) **Conditional Use Provisions:** All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13.

d) **Parking**: One and onehalf (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

6.03.002 Mining

a) **Definition**: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas.

b) **General Provisions:**

1. No new excavation for mineral extraction or mechanical loading or processing of such materials shall be located within the following minimum setbacks:

   a. 75 feet from the right-of-way of a public street,
   b. 200 feet from the boundary of a residential district,
   c. 50 feet from any other lot line.

2. A landscaped area with a minimum width of 25 feet shall be provided around the perimeter of the use, except for necessary perpendicular crossings.

3. The Zoning Hearing Board may require berming, landscaping, fencing and additional setbacks as needed to protect the public safety and to avoid conflicts with neighboring uses.

4. A copy of mapping and all application materials submitted to the State Department of Environmental Protection shall also be provided to the Zoning Officer.

c) **Conditional Use Provisions**: All General Provision requirements, in addition to the Conditional Use provisions of section 1311.13.

d) **Parking**: One and one half (1.5) off-street parking spaces per employee of the largest shift, rounded up to the next full parking space.

1304.02 ACCESSORY USES.

7.01 Accessory Structure / Garage

a) **Definition**: A building, including garages, sheds, and other similar structures, which are constructed on the same property as, and are accessory to, a principal building.

b) **General Provisions:**

1. Accessory structures shall be located to the rear or side of the principal building. In no case shall any portion of an accessory structures be placed any closer to the front street right-of-way than the principal structure.
2. The total building area of an accessory building may not exceed fifty percent of the first floor building area of the principal structure on the property.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.02 Fence and Wall

a) **Definition**: Any structure erected for the purpose of screening on property from another either to assure privacy or protect the property screened. Walls, including retaining walls, erected to serve in this same manner shall also be considered fences for the purpose of this ordinance.

b) **General Provisions:**

1. EC District. A fence shall have a maximum height of 10 feet and a wall shall have a maximum height of 4 feet. Fencing shall allow clear sight view through the fence while separating property lines or area of activity. The maximum ratio of solid to open areas shall be 1:1 (such as a split rail, chain link, or wrought iron fence). Where fencing is required to screen the property, or use, from adjacent properties, the requirement for clear sight shall not apply.
2. CDB District. A fence shall have a maximum height of 6 feet and a wall shall have a maximum height of 4 feet. Fencing shall allow clear sight view through the fence while separating property lines or area of activity. The maximum ratio of solid to open areas shall be 1:1 (such as a split rail, chain link, or wrought iron fence).
3. All other districts.
   a. A maximum height of six feet shall apply to any fence.
   c. Any wall shall be constructed of brick, masonry, or other compatible material with a finished appearance.
3. Materials.No fence or wall shall be constructed from scrap sheet metal or similar "junk." No fence in a residential district shall be constructed out of barbed wire or be electrically charged, unless the applicant proves to the satisfaction of the Zoning Officer that barbed wire is necessary to protect persons from an unusual hazard, such as electric transformers.
4. No fence or wall shall be constructed within the right-of-way of a street, except as provided in paragraph "5" of this section, when approved by the City of York City Engineer or City of York Department of Public Works.
5. Retaining Wall. The provisions of this Subsection shall not apply to a retaining wall of up to 8 feet in height that is necessary to hold back slopes or the wall of a building in a location permitted by this Ordinance.
6. Measurement of Height.The height of any new fence or wall shall be measured on the exterior side of the fence or wall that faces a street, alley or other property, and shall be measured from grade level to the top of the main segment of the fence. Where a fence and wall are combined, the wall shall be restricted by the wall regulations, and the top of the fence/wall shall be restricted by the maximum height for a fence.
7. Construction. Fences and walls shall be durably constructed and meet the requirements of the City Building Code where applicable.

8. Temporary Fencing. These provisions shall not apply to temporary fencing around active construction sites, provided such fencing is removed within 30 days after completion of the construction.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.03 Private Swimming Pool

a) **Definition**: Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and in-ground pools; hot tubs; spas and fixed-in-place wading pools.

b) **General Provisions:**

1) **LOCATION** - Pools in excess of a design depth of twenty-four inches and erected on a lot of any width shall be located at least five (5) feet from the rear and side property line and ten (10) feet from the principal building, with the following exceptions:

2) **DIMENSIONS**

A. Pools that have a design depth from twenty-four (24) inches to and including three (3) feet in depth and erected on a lot eighteen (18) feet wide or greater shall be located at least ten (10) feet from the principal building and at least three (3) feet from the rear and side property lines.

B. Pools that have a design depth from twenty-four (24) inches to and including three (3) feet in depth and erected on a lot less than eighteen (18) feet wide shall be located at least ten (10) feet from the principal building and at least one (1) foot from the other side property line, provided that a six (6)-foot high solid masonry or solid wooden fence be erected along the property line on the side of the pool with the one (1) foot setback. The remainder of the pool area shall be enclosed in accordance with subsection (d)(4) hereof.

	Lot Width	**Lot Width**	**Lot Width**	**Lot Width**
	Less than 18 ft.	Less than 18 ft.	18 ft. and greater	18 ft. and greater
	Pool Depth	Pool Depth	Pool Depth	Pool Depth
	24 inches to 3 ft.	Over 3 ft.	24 inches to 3 ft.	Over 3 ft.
Rear Yard	3 ft.	5 ft.	3 ft.	5 ft.
Side Yard	3 ft.	5 ft.	3 ft.	5 ft.
Side Yard	1 ft.*	5 ft.	3 ft.	5 ft.

* Six (6) foot fence required on this side: see subsection (d)(1)B. hereof.

2) **NUISANCE OR HAZARD** - It shall be suitably designed and located so as not to become a nuisance or hazard to adjoining property owners or the public. Outdoor lights, if used, shall be shielded and not reflected toward adjacent residential properties.

3) **DRAINAGE** - Provision shall be made for drainage of the pool and back-wash water disposal. The use of open fields, lawns or dry wells shall be permitted for this purpose provided they meet the requirements of the Pennsylvania Department of Environmental Protection. Water shall not be emptied onto public roads or adjoining land belonging to others.

4) **ENCLOSURE** - The entire pool area shall be enclosed with fencing or other safeguards as required by the Pennsylvania Uniform Construction Code, as adopted and amended by the City of York.

5) **ADDITIONAL ASPECTS** - All other aspects of swimming pool installation, security and maintenance shall be in accordance with the Pennsylvania Uniform Construction Code, as adopted and amended by the City in the Codified Ordinances.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.04 Off-Street Parking

a) **Definition**: Parking of vehicles on private property, not on a street right-of-way.

b) **General Provisions**: Specific provisions for parking shall be as indicated in Article 1309 of this zoning ordinance. Impervious surface requirements of the district in which the off-street parking is located may not be exceed to accommodate off-street parking.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.05 Signs

a) **Definition**: Any permanent or temporary structure or part thereof, or any device that is attached, painted, or represented directly or indirectly on a structure or other surface, or which is placed inside within twelve (12) inches of a door, window, or other glazed surface which is intended to be seen from the exterior, which displays or includes any letter, word, insignia, flag, or representation used as, or which is in the nature, of an advertisement, announcement, visual communication or direction or is designed to attract the eye or bring the subject to the attention of the public.

b) **General Provisions**: Specific provisions for signs shall be as indicated in Article 1308 of this zoning ordinance. If a property is located in a HARB district, the sign must also conform to HARB design guidelines and be approved by City Council through the HARB process.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.06 Over-the-Air Reception Device (OTARD)

a) **Definition**: Antennas used to receive video programming, and data services, including television and internet, which are regulated by the Federal Communications Commission (FCC, 47 C.F.R. Section 1.4000).

b) **General Provisions**:

1. **SIZE** - No satellite dish or antenna shall exceed one (1) meter in diameter (39.37").
2. **HEIGHT** - No satellite dish or antenna mast shall be permitted in excess of twelve (12) feet above the roofline of the building it is attached to, or if not attached to a building, then no satellite dish or antenna mast shall be permitted in excess of twelve (12) feet above the roofline of the principal building on the property.
3. **PERMITS** - No permits shall be necessary, except for such devices installed within the HARB district when attached to a building and/or within public view, in which case a permit and HARB review shall be required.
4. **OTHER LAWS** - Devices shall not be installed in violation of any provision of the Pennsylvania Uniform Construction Code.
5. **REMOVAL** - Such structures shall be completely removed within thirty (30) days of the discontinuance of their use.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.07 On-Lot Storage

a) **Definition**: An accessory use which involves the temporary placement of items or supplies, other than junk or scrap material, which is stored or placed on a lot for later use. Storage shall be within an existing or temporary enclosed building or structure. "PODs" shall refer to any container, storage unit, shed-like container, or other portable structure that is intended to be used for the temporary storage of personal property of any kind and which is located for such purposes outside an enclosed building.

b) **General Provisions:**

1) **LENGTH OF TIME** - Such structure may be located at a property for a period not exceeding seventy-two (72) hours from time of delivery to time of removal. Structures may not be placed at a property more than one (1) time in a thirty (30) calendar day period. If the structure is placed at the rear of a property, and cannot be seen from any public right-of-way, the structure may remain for up to sixty (60) days one time within a calendar year with a permit from the City.
2) **NUMBER** - No more than two (2) structures may be located at a property at any given time.

3) **LOCATION** - Such structures shall not be located within any public right-of-way and may not obstruct the vision of motorists.
4) **SIZE** - Structures may not exceed eight feet, six inches (8' 6") in height, ten (10') feet in width, and twenty (20') feet in length.
5) **SAFETY** - It is the responsibility of the property owner to properly secure the structure so that it is not a hazard to people or property. During periods of high winds or other such weather conditions, the City shall have the right to order the immediate removal of the structure from a property.
6) **REMOVAL** - Such structures shall be removed at the end of the time for which is may legally be placed. The City may remove the structure if is not removed within the allotted time period or if it becomes a hazard, in which case the cost of removal, together with the cost of administration of its removal, shall be the responsibility of the property owner and may be filed as a lien against such property by the City.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.08 Horticulture

a) **Definition**: A garden or greenhouse for plant cultivation.

b) **General Provisions:**

1) Within residential, UN, or MUI districts, this use may not be operated as a business, although products grown on site may be sold off-site to off-set costs of production.
2) Structures for this use may not exceed 500 sq.ft. or 50% of the first floor building area of the principal structure on the property, whichever is less, and must meet all zoning district dimensional requirements.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.09 Accessory Supply Utility

a) **Definition**: A structure which is part of a public utility system, or other similar service, necessary to provide a utility or service to a property. Examples include: water meter, electric meter, electric transformer, gas meter, telephone box, cable television box, and sanitary sewer pump. Personal satellite receiving dishes shall not be part of this definition, but rather under the definition of an Over-the-Air Reception Device (OTARD).

b) **General Provisions:**

1) Structures shall be placed by the utility company or under the location and installation requirements issued by the utility.
2) Structures shall be placed to the side or rear of a property, unless it is not possible, in which case the utility shall provide documentation to the Zoning Officer to review and approve an alternative location.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.10 No-Impact Home Based Business

a) **Definition:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

b) **General Provisions:** The business or commercial activity must satisfy the following requirements:

1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2) The business shall employ no employees other than family members residing in the dwelling.
3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4) There shall be no outside appearance of a business use, including, but not limited to: parking, signs or lights. Signage is not permitted.
5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7) The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8) The business may not involve any illegal activity.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.11 Home Occupation

a) **Definition**: An accessory use for gainful employment, as specified in Section 1304.25(B) Home Occupations are located in a portion of a dwelling unit. The accessory use is clearly incidental and subordinate to the residential use of the dwelling unit or accessory structure.

b) **General Provisions:**

1) Any home occupation use shall be confined to the principal residence of the individual so engaged; shall be excluded from any yard or accessory building; and, shall be clearly incidental and subordinate to the primary residential use.

2) No alteration shall be made in either the internal or external structural form of the residential building or the external appearance for purposes of any home occupation. The removal of partitions or floors, or parts thereof, shall be construed as an alteration of the external or internal structural form and is, therefore, prohibited.
3) No evidence of any home occupation shall be visible from off the lot where it is conducted except for no more than one (1) home occupation sign displayed in compliance with Section 1308.
4) No more than twenty (20) percent of the livable area of any residence shall be used for a home occupation.
5) No person other than a permanent resident of the dwelling unit shall be engaged in or employed at any home occupation within such dwelling unit except that in connection with the practice of a profession which can be practiced only with the assistance of supportive personnel, one (1) person not residing in such dwelling unit may be so employed.
6) No storage of equipment or materials used in a home occupation shall be outside the principal residence.
7) No equipment or process shall be used in any home occupation which emits radiation or creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot used for such home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference.
8) No traffic shall be generated by any home occupation unreasonably greater in volume or different in nature then would otherwise normally occur in the residential neighborhood in which it is located.
9) Retail and wholesale business shall be prohibited.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.12 Family Child Care Home

a) **Definition**: A child care facility located in a home in which up to six (6) children who are not related to the caregiver receive child care. A family child care home must have a certificate of registration from DPW in order to legally operate.

b) **General Provisions:**

1) The Family Child Care Home shall comply with all state licensing requirements.
2) The Family Child care Home shall comply with all required inspections and code requirements.
3) The Family Child Care Home shall be located within a single-family dwelling.
4) The Family Child Care home shall have at least 1,200 sq.ft. of interior floor area and at least 240 sq.ft. of outdoor play area.
5) The Family Child Care Home shall provide an area for drop off / pick up of children. A plan documenting this area shall be provided to the Zoning Officer for review and approval.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.13 Photovoltaic Energy System (Personal)

a) **Definition**: System designed to provide electricity through the direct conversion of solar energy for use within the principal building on the same property as the system.

b) **General Provisions:**

1) The structure shall be placed on the roof of the principal building, on the roof of an accessory building, or as a freestanding structure placed within the required setbacks as established for the district.
2) If a freestanding structure, it shall be placed behind the principal building. The structure shall be subject to HARB review and approval within HARB districts.
3) The system shall be designed to generate the amount of electricity necessary to provide power for the structure on the property. A system shall not be designed to create additional power, however additional power may result from on-site use less than designed. Connection to the electricity grid to back-feed this excess power generated shall be permitted when permitted by the local electric company.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.14 Wind Energy System (Personal)

a) **Definition**: System designed to provide electricity through the use of wind energy for use within the principal building on the same property as the system.

b) **General Provisions:**

1) The structure shall be placed on the roof of the principal building, on the roof of an accessory building, or as a freestanding structure placed within the required setbacks as established for the district.
2) If a freestanding structure, it shall be placed behind the principal building. The structure shall be subject to HARB review and approval within HARB districts.
4) The structure on which the wind energy system is placed may not exceed twice the height of the principal building on the property, or the maximum height allowed by the FAA, whichever is less. Height shall be as measured from natural grade to the highest point of travel of the blade tips.
5) The structure on which the wind energy system is placed must be setback from all structures and property lines at least 110% of the height of the structure. If such setback is not possible, than the structure shall be prohibited.

6) Noise from the system shall not be greater than 55db as measured at the property line or nearest neighboring structure, whichever is closer to the structure.
7) No illumination of the turbine or tower shall be allowed unless required by the FAA or other governmental agency.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.15 Solar Hot Water System (Personal)

a) **Definition**: System designed for the heating of water by solar energy for use within the principal building on the same property as the system.

b) General Provisions:

1) The structure shall be placed on the roof of the principal building, on the roof of an accessory building, or as a freestanding structure placed within the required setbacks as established for the district.
2) If a freestanding structure, it shall be placed behind the principal building. The structure shall be subject to HARB review and approval within HARB districts.

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.16 Domiciliary Care Home

a) **Definition**: A single-family dwelling in which a supervised living arrangement in a homelike setting for a period exceeding twenty-four (24) consecutive hours is provided to no more than three (3) people who are not relatives of the operator and who need supervised, protective living arrangements. The home must be licensed by the York County Area Agency on Aging and conducted in accordance with Commonwealth regulations.

b) **General Provisions:** N/A

c) **Special Exception Provisions:** All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.17 Rooming House/Boarding House

a) **Definition**: A building arranged or used for living and sleeping, with or without meals, but for compensation, designed as an accessory use to a single-family dwelling, not including more than three (3) roomers and in which no provision is made for cooking in any individual room or suite.

b) **General Provisions**:

1) Each rental unit shall include a minimum of 250 square feet. The lot shall include a maximum of six rental units.
2) Each rental unit shall be occupied by a maximum of two adults.
3) The building shall be occupied by the owner of the property.
4) This use shall not be permitted unless the property owner provides access for inspections by City codes enforcement officials to inspect the entire building for compliance with City codes, prior to issuance of a zoning permit.
5) There shall be at least four (4) off-street parking spaces.

c) **Special Exception Provisions**: All General Provision requirements, in addition to the Special Exception provisions of section 1311.11(c).

7.18 Vending Device

a) **Definition**: A device, motorized or not, which is intended to dispense and/or collect a product with or without a fee. Included in this definition are soda machines, candy/snack machines, clothing collection boxes, and other similar devices. Mailboxes and library return boxes are specifically excluded from this definition.

b) **General Provisions:**

1) Vending devices must be placed within the interior confines of a building.
2) Newspaper vending boxes are exempt from this definition and shall be permitted when their placement complies with all other applicable city ordinances. Such boxes may only be permitted within a right-of-way by approval of an encroachment agreement by City Council. City Council may elect to require such devices to be contained within a specific structure designed to house multiple newspaper boxes.
3) Printed advertising materials (i.e. printed brochures or papers advertising the sale or lease of real estate, apartments, or vehicles), are only permitted when located next to legally existing newspaper boxes and are subject to the same regulations as newspaper boxes with respect to City approvals.

ARTICLE 1305
Infrastructure and Landscaping

1305.01 Use standards.
1305.02 Buffering and screening.
1305.03 Principal supply utilities.
1305.04 Lighting standards.
1305.05 Street access.
1305.06 Sanitary sewer connection.
1305.07 Stormwater management.
1305.08 Landscaping.
1305.09 Landscaping, ground cover, and street tree maintenance.

1305.01 USE STANDARDS.

a) The purpose of this Article is to supplement Article 1303 Districts, Maps, Boundaries with additional requirements applicable to all applications. These standards shall be met prior to granting, by the Zoning Hearing Board, Planning Commission, City Council, Zoning Officer and City staff application approval. In cases where the provisions of this Article are more restrictive than other articles, the provisions of this Article shall take precedence.

b) Regulations applying to lots, buildings and uses in existence prior to the effective date of this Section shall be governed by Article 1306 Nonconformities, except where required by Article 1307 Environmental Standards.

c) Where infrastructure and landscaping requirements are imposed or reviewed for Conditional Use applications, the review conducted pursuant to that application shall address the manner in which the requirements of this Article are applied.

1305.02 BUFFERING AND SCREENING.

a) **BUFFERING, GENERAL** - In general, buffering, either in the form of a buffer yard and/or screening, is appropriate between high intensity activities and residential activities.
   1) Buffer yards shall be required for all commercial and industrial uses when abutting or within RS1, RS2, UN1, UN2,MUI1, and MUI2 Districts.
   2) Where US Route 30, railroads or the Codorus Creek serve as District boundaries, no buffering is required along such boundary.

3) Where streams, runs or other bodies of water serve as distinct boundaries, such stream, run or river may serve to meet the buffering requirements, provided the proposed buffering is approved by special exception.
4) Buffering should incorporate principles of CPTED where appropriate.

b) **BUFFER YARDS**

1) Buffer yards shall be at least twenty-five (25) feet in width as measured from the applicable lot line.
2) All buffer yards shall be planted with grass seed, sod or ground cover and maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
3) No structure, manufacturing or processing activity, or parking or storage of materials shall be permitted in the buffer yard.
4) Within all buffer yards, screening in accordance with subsection (c) hereof shall be included.
5) Bufferyard design should incorporate principles of CPTED where appropriate.

c) **SCREENING** - Screening is the provision of plantings or non-plant material to eliminate or minimize conflicts between development and adjacent land uses and protects properties from airborne particles, glare and noise. Screening should incorporate principles of CPTED where appropriate.

1) **FENCES OR WALLS** - Screening can be achieved by installing a masonry wall or fence.
   A. When used as screening, the fence or wall must be at least six (6) feet tall. Maximum fence height shall be provided in accordance with Article 1304.
   B. The fence shall be broken only at points of vehicular or pedestrian access, or where utility improvements and/or easements prohibit installation.
   C. In accordance with the provisions of this ordinance a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.

2) **LANDSCAPED SCREENING**
   A. Plant materials used in the screen planting shall be of such species as shall produce, within two (2) years, a complete visual screen no higher than two feet off the ground and no lower than seven feet off the ground.
   B. The screen planting shall be maintained permanently, and any plant material that does not live shall be replaced within one (1) year.
   C. The screen planting shall be so placed that, at maturity, it shall not be closer than three (3) feet from any street or property line.
   D. In accordance with the provisions of this ordinance a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
   E. When screening is required, a minimum of five (5) feet in any yard shall be required.
   F. The screen planting shall be broken only at points of vehicular or pedestrian access, or where utility easements prohibit such planting.

3) **BERM** - An earthwork berm shall be four (4) feet high with continuous screen planting on the top that shall grow to a height of four (4) feet within two (2) years after planting.

1305.03 PRINCIPAL SUPPLY UTILITIES.

a) In Residential Zoning Districts, no public business office shall be operated in connection with a principal supply utility.

b) Storage yards or storage buildings may be operated in connection with such use only on application to the Zoning Hearing Board for a special exception and following demonstration to the satisfaction of the Board that it is essential to service customers in the Zoning District in which it is located.

c) In new subdivisions, land development or redevelopment areas, utility distribution and service facilities shall be installed underground unless, in the opinion of the Planning Commission, special conditions require otherwise.

d) In new subdivisions, land development or redevelopment areas that require connection to the City's sanitary sewer system and meet the activity requirements of Title 25, Chapter 71 -Department of Environmental Protection's Regulations for the Administration of Sewage Facilities Program, a sewer module shall be submitted to the Planning Commission and the Public Service Department for review and approval.

1305.04 LIGHTING STANDARDS.

a) **LIGHTING STANDARDS** - The installation of street lighting is the responsibility of the developer/owner. In conjunction with the Metropolitan Edison Company, the developer/owner shall select lighting standards and fixtures that comply with the provisions of Section 1336.11 "Street Lighting" of the City of York Subdivision and Land Development Ordinance.Lighting design should incorporate principles of CPTED where appropriate.

1305.05 STREET ACCESS.

a) **PUBLIC ACCESS** - Public access is required. No building shall be erected, nor any use established, on a lot which does not abut a street. In addition:

1) Lots containing principal buildings and principal uses shall be located on local street(s) having a right-of-way width of not less than forty (40) feet in the case of existing local streets and fifty (50) feet in the case of proposed local streets.
2) Lots containing only accessory buildings and/or accessory uses may be located on local streets, including alleys, whose right-of-way width is less than forty (40) feet, but, in no case, less than twenty (20) feet for existing streets or twenty-four (24) feet for proposed streets; and
3) All streets shall be publicly owned unless specific approval is granted to the contrary as part of a plan duly reviewed and approved by Council.

b) **SUBDIVISION AND LAND DEVELOPMENT COMPLIANCE** - Any proposed building or use, or any existing building or use, proposing to establish new or relocated access points to any public street right-of-way shall conform to all applicable provisions of the Subdivision and Land Development Ordinance.

c) **JOINT ACCESS MARGINAL ACCESS STREETS** - All uses in CH Districts shall give consideration to and provide for, if so required by Council as part of a land development plan, either joint access with neighboring uses or a marginal access street.

1305.06 SANITARY SEWER CONNECTION.

a) **LATERAL CONNECTION** - Each dwelling unit intended to be in separate ownership shall have a separate lateral.

b) **SUBDIVISION** - Each new subdivision lot must have a sanitary sewer lateral unless waived by the City Engineer or York City Sewer Authority.

c) **CURB AND SIDEWALK** - If a lateral is installed through curb and sidewalks, all curb and sidewalk specifications must be addressed when curbs and sidewalks are repaired or installed.

d) **EMERGENCY REPAIRS** - Emergency repairs completed by the City or utility company are the responsibility of the lateral user.

e) **CONSTRUCTION STANDARDS** - All public and private common lines shall meet construction standards of the York City Sewer Authority.

1305.07 STORMWATER MANAGEMENT.

a) **COMPLIANCE** - Based on the applicable activities of Section 1371.04 Applicability, such activities shall be in compliance with the City Stormwater Management and Erosion and Sedimentation Control Ordinance.

b) **SCREENING** - Stormwater retention basins, both detention and retention, must be screened according to 1305.02(c) Screening and Buffering. For properties abutting residential districts, waivers may be reviewed by the City Engineer.

c) **ADDITIONAL REQUIREMENTS** -In addition to the stormwater management provisions, the following shall apply:

1) **REHABILITATION** - If, during any rehabilitation within the Central Business District, the existing stormwater drainage discharges to the street or sanitary sewer system, the stormwater shall be piped to the nearest storm sewer, or by an alternative discharge method approved by the City Engineer. Any proposed alteration to the existing stormwater drainage system shall be reviewed and approved by the City Engineer.

d) **CONNECTION TO CITY STORM SEWER SYSTEM** - Any stormwater management plan prepared for the applicable activities under Section 1371.04, Applicability, shall connect the system management facility for the site to the City storm sewer system, if available.

1305.08 LANDSCAPING.

a) **GROUND COVER** - Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalk and designated storage areas shall be planted with an all-season ground cover. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.

b) **LANDSCAPING** - Any required landscaping (landscaping strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, sculptures, fountains, sidewalk furniture or other approved materials. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping or screening. No less than eight percent (8%) of the required landscaped areas shall be vegetative in composition, and no outdoor storage shall be permitted within required landscaped areas.

c) **STREET TREES**

1) **NON-RESIDENTIAL USES** - All commercial, institutional, and industrial new construction and substantial rehabilitation or adaptive reuse proposals are subject to the requirements of land development ordinance section and landscaping requirements of this Section and the land development ordinance Article 1336 Required Improvements. All land development plans concerning these uses must have a landscape plan.

2) **RESIDENTIAL USES** - All applications for new residential building construction or substantial improvements to existing residences shall require the installation of street trees.

3) **PLACEMENT** - One (1) street tree, at a minimum, shall be provided per lot frontage. The tree shall be installed no closer than twenty (20) feet from any sewer lateral. Street trees shall be installed in accordance with placement details adopted or reviewed by the Zoning Officer. Such trees shall have a minimum caliper of one and one-half (1 1/2) inches.

4) **APPROVAL TREE TYPES** - Street trees shall be selected from a list of trees approved by the City Forester.

d) **REMOVAL OF STREET TREES** - All street trees within a public right-of-way must not be removed without approval. Removal includes removal of the stump and roots, improvement of the sidewalk area in accordance with the City's sidewalk specifications and/or replacement with a tree at the same location or a location specified by City Forester. Prior to the removal or replacement of any street tree, the proposal is subject to review by the City Forester.

1305.09 LANDSCAPING, GROUND COVER, AND STREET TREE MAINTENANCE.

a) **GENERAL REQUIREMENTS** - The property owner must comply with the following general requirements:

1) **TRIMMING, HEALTH** - All landscaping, ground cover, and street trees must be maintained in a healthy, growing condition so as to present a neat and orderly appearance. Branches extending over the street must be trimmed in accordance with Article 913 Trees and Vegetation. Any tree or shrub which overhangs any arterial street shall be trimmed to a minimum height of fourteen (14) feet above the roadway. Any tree or shrub which overhangs any public pedestrian walkway shall be trimmed to a minimum height of eight (8) feet above the walking surface.

2) **MAINTENANCE** - Maintenance of all plantings includes watering, weeding, pruning, pest control and replacement of dead or diseased plant materials.

3) **LITTER, WEEDS** - The site is to be kept free of trash, litter and weeds.

b) **IRRIGATION** - Hose attachments must be located within seventy-five (75) feet to one-hundred (100) feet of all required landscaping.

c) **LANDSCAPING PLAN** - A landscaping plan must be submitted for review. The plan should include at a minimum the following components:

1) Date;
2) Scale;
3) North arrow;
4) Title;
5) Name of property owner and applicant;
6) Total site area;
7) Existing and proposed utilities;
8) Locations and size of named plant materials;
9) Projected date of completion; and
10) Irrigation information.

Such plans must be sealed by a Registered Landscape Architect (RLA) when submitted with a land development or subdivision plan.

d) **BONDING** - Upon completion of the required landscaping plan, the property owner or applicant shall provide a two (2)-year maintenance bond in the amount of one-hundred ten percent (110%) of the estimated cost of landscaping improvements installed by the developer. Such bond shall be in favor of the City of York and shall provide surety satisfactory to the York City Solicitor. In lieu of the required bonds, the applicant may deposit funds or securities in an escrow account satisfactory to the York City Solicitor. Funds deposited in this account for guaranteeing the construction or maintenance of landscaping shall be used for these purposes only.

ARTICLE 1306
Nonconformities, Uses Established by Special Exception, Uses Established by Variance

1306.01 Nonconformities.
1306.02 Uses established by special exception.
1306.03 Uses established by variance.

1306.01 NONCONFORMITIES.

a) **NONCONFORMING STRUCTURES**

1) **CONTINUATION** - Any nonconforming structure may remain although such structure does not conform to the dimensional requirement of this Zoning Ordinance.

2) **RESTORATION** - A nonconforming structure which has been damaged or destroyed by fire or other causes to an extent of less than seventy-five percent (75%) of its market value, or a nonconforming structure which has been legally condemned may be reconstructed provided that:

A. The reconstructed structure shall not exceed in height, area and volume the structure destroyed or condemned unless a special exception is granted by the Zoning Hearing Board; and

B. The structure reconstruction shall be commenced within one (1) year from the date the structure was destroyed or condemned and shall be carried on without interruption, or else the nonconforming structure status shall be void. No structure damaged or destroyed by fire or other causes to the extent of more than seventy-five percent (75%) of its market value shall be repaired, reconstructed or used except in conformity with the regulations of this Zoning Ordinance.

3) **EXTENSION OR ALTERATION** -A nonconforming structure may be extended or altered provided the extension or alteration conforms with all dimensional requirements of this Ordinance and all other applicable regulations of this Ordinance.

4) **RESTORATION OF ACCESSORY BUILDINGS** - Nonconforming accessory buildings may be reconstructed so long as such reconstructed buildings do not exceed the height, area and volume of the destroyed or condemned structure.

b) **NONCONFORMING LOTS**

1) **CONTINUATION** - Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the Zoning District in which it is located.

2) **CONSTRUCTION** - The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot. However, this provision shall not apply to any two (2) or more contiguous lots in single ownership as of, or subsequent to, the effective date of this Section where reparceling or replatting could create one (1) or more conforming lots.

3) **VARIANCE** - The Zoning Hearing Board may, by variance, reduce or waive the yard requirements on nonconforming lots where literal enforcement of such yard requirements would create an excessively small or narrow building area. The Board shall, in its deliberation on an appeal for such a variance, take into account typical existing lot sizes and existing yards in the general area where such nonconforming lot is located, giving particular consideration to existing uses and setbacks on adjacent properties.

c) **NONCONFORMING USES**

1) **CONTINUATION** - Any nonconforming use may be continued indefinitely although such use does not conform to the provisions of this Zoning Ordinance. Unless specifically provided by the Board for a particular use, no change of title or possession or any other change in status of a property on which a nonconforming use exists shall prevent the continuance of such nonconforming use.

2) **EXTENSION** - A nonconforming use may be extended, provided:

A. Any extension shall conform with the area, building height, parking, sign and other requirements of the district in which such an extension is located;

B. Nonconforming uses shall not displace conforming uses under any circumstances;

C. Expansion, alteration or replacement of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.

D. The total of all such expansions, alterations or replacement of use shall not exceed an additional thirty-five percent (35%) of the area of these buildings, structures or improvements devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.

3) **CHANGE OF USE** - Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only by special exception.

4) **ABANDONMENT**

A. **ONE-YEAR PERIOD** - A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped. Such non-conforming use shall not thereafter be reinstated except in conformance with this Ordinance.

B. **REVERSION** - Once a non-conforming use has been converted to a conforming use; the previous non-conforming use may not be re-established.

C. **BURDEN OF PROOF** - The burden of proof of abandonment of a nonconforming use is on the party asserting the abandonment.

D. **VACANT STRUCTURE** - All vacant structures that have been vacant for a period of one (1) year or more may resume the nonconforming use that was in existence at the time the vacancy occurred, which may or may not have met the dimensional and parking requirements provided, if the Zoning Officer determines that use was not abandoned. The following information shall be reviewed:

1. Documentation which verifies the existence of the legal nonconforming use at the time the vacancy occurred and that the use was not intentionally abandoned;
2. No structural alterations, legal or illegal, were made showing inconsistency with the verified legal nonconforming use; and
3. The nonconforming use was not changed to a conforming use.

1306.02 USES ESTABLISHED BY SPECIAL EXCEPTION.

a) Uses established by Special Exception are considered "permitted uses" and as such are not to be viewed as "nonconforming uses."

b) A use established by Special Exception may be continued indefinitely as long as the facts and circumstances of the use remain consistent with those presented to the Zoning Hearing Board at the time the Special Exception was approved.

c) The expansion of a use established by Special Exception requires a new approval of a Special Exception based on the new facts and circumstances.

1306.03 USES ESTABLISHED BY VARIANCE.

a) Uses established by a variance granted by the Zoning Hearing Board may be continued indefinitely as long as the facts and circumstances of the use remain consistent with those presented to the Zoning Hearing Board at the time the variance was approved.

b) The expansion of a use established by a varianceeither as an increase in size or increase in the scope of the specific use approved shall require a new approval from the Zoning Hearing Board. For purposes of this ordinance, the scope of the use is the specific use approved by the Zoning Hearing Board, not the broad or general category or definition the approved use may fall under.

ARTICLE 1307
Environmental Performance Standards

1307.01 Applicability of environmental performance standards.
1307.02 Noise.
1307.03 Vibration.
1307.04 Heat.
1307.05 Glare.
1307.06 Fire and explosive hazards.
1307.07 Residual and hazardous waste.
1307.08 Erosion and sediment control.
1307.09 Stormwater control.
1307.10 Air pollution.
1307.11 Application of performance standards.
1307.12 Wetlands protection.

1307.01 APPLICABILITY OF ENVIRONMENTAL PERFORMANCE STANDARDS.

a) **APPLICABILITY** - All uses and activities in all Zoning Districts, established after the effective date of this Section shall comply with the following standards. All existing uses and activities in compliance with the following standards on the effective date of this Section shall continue in compliance, and all existing uses and activities not in compliance with Sections 1307.02 Noise and 1307.11 Application of Performance Standards, on the effective date of this Section shall, within two (2) years following the effective date of the determination of the violations of this Section, bring themselves into compliance.

1307.02 NOISE.

a) DEFINITIONS

1) "DECIBEL" - (dB) means a unit of measurement of relative sound intensity equal to twenty times the logarithm to the base ten (10) of the ratio of the effective sound pressure to a reference pressure of twenty (20) micronewtons per square meter. In formula, decibel is:

$$dB = 20LOG_{10}\frac{P}{P_0}$$

P is the average pressure of the measured sound, and P0 indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.

2) "**SOUND LEVEL A OR dB(A)"** - The sound level in decibels measured with a sound level meter using the A-weighed network or scale as specified in ANSI SL-4-1971 Specification for Sound Level Meters.

b) **MEASUREMENTS AND BOUNDARY CONTROLS**

1) **LEVELS AT ZONING DISTRICT BOUNDARIES** -Where the property line of a use coincides with a Zoning District boundary, the maximum permissible sound level for the Zoning District boundary controls.

2) **CONSTRUCTION, REPAIR, DEMOLITION** - In cases involving noise from construction, repair or demolition on a public street or other thoroughfare, the "property line" shall be the boundary of the public right-of-way.

3) **NOISE MEASUREMENT** - Measurement shall be made with a sound level meter using the A-weighted network or scale as specified in ANSI SL-4-1971. Measurements shall be made by instruments calibrated by accepted acoustical techniques to an accuracy of +/- 1 dB(A). Persons operating this equipment shall have training approved by the equipment manufacturer.

c) **MAXIMUM PERMISSIBLE SOUND LEVELS BY ZONING DISTRICTS** - Except as provided in Subsections 3) and 4) below, a sound level that emanates from any operation or activity and exceeds the maximum permissible sound levels established by the following is prohibited:

1) **EMPLOYMENT CENTER DISTRICT**- If the sound emanates from a use located within the EC district, the maximum permissible sound level is:

A. Seventy-five (75) dB(A) at any point on the property line of the use;

B. Seventy (70) dB(A) at any point on a boundary separating the EC district from the CBD district; and

C. Seventy (70) dB(A) at any point on a boundary separating the EC district from a Residential, Urban Neighborhood, or Mixed Use Institutional District.

2) **CENTRAL BUSINESS DISTRICT ZONING DISTRICT** - If the sound emanates from a use located within theCBD, the maximum permissible sound level is:

A. Sixty-one (61) dB(A) at any point on the property line of the use;

B. Sixty-four (64) dB(A) at any point on a boundary separating the CBD district from an EC district; and

C. Fifty-eight (58) dB(A) at any point on a boundary separating the CBD district from a Residential, Urban Neighborhood, or Mixed Use Institutional district.

3) **RESIDENTIAL, URBAN NEIGHBORHOOD, AND MIXED USE INSTITUTIONAL DISTRICTS**- If the sound emanates from a use located within a RS1, RS2, UN1, UN2, MUI1, MUI2, or OS district, the maximum permissible sound level is:

A. Fifty-five (55) dB(A) at any point on the property line of the use;

B. Sixty-one (61) dB(A) at any point on a boundary separating the Residential, Urban Neighborhood, or Mixed Use Institutional district from an ECdistrict; and

C. Fifty-eight (58) dB(A) at any point on a boundary separating the Residential, Urban Neighborhood, or Mixed Use Institutional district from CBD district.

d) **DEVIATIONS FROM MAXIMUM PERMISSIBLE SOUND LEVEL**

1) **REDUCTION OF LEVELS, TIME** - Between the hours of 9:00 P.M. and 7:00 A.M. the maximum permissible sound levels established by Sections 1307.02(c) and of this Ordinance shall be reduced by five (5) dB(A).

2) **ALTERATION OF MAXIMUM PERMISSIBLE SOUND LEVELS** - The maximum permissible sound levels established by Section 1307.02(c) of this Ordinance may be exceeded:

A. By no more than five (5) dB(A) for a duration not to exceed twelve (12) minutes in any one (1) hour period; or

B. By no more than ten (10) dB(A) for a duration not to exceed three (3) minutes in any one (1) hour period; or

C. By no more than fifteen (15) dB(A) for a duration not to exceed thirty (30) seconds in any one (1) hour period.

3) **REDUCTION OF LEVELS, TYPE** - The maximum permissible sound levels established by Section (a) of this Ordinance shall be reduced by five (5) dB(A) for:

A. Sounds of periodic character (such as pumps, fans or compressors).

B. Sounds of impulsive character (such as weapons fire, punch press or drop hammer).

C. Sounds with pure tone component (such as a whistle or alarm).

D. A steady audible tone, such as a hum, whine or screech.

4) **NOISES ARISING FROM ACTIVITY IN RESIDENTIAL ZONES** - Certain noise sources associated with residential living, although not considered desirable by most residents, are nevertheless tolerated. Such activities will be allowed to persist, but only at specified times. At all other times the noise limits stated in Section 1307.02(c) and this Section shall apply. The following activities are allowed between the hours of 7:00 A.M. and 9:00 P.M. on weekdays and between the hours of 10:00 A.M. and 10:00 P.M. on weekends and legal holidays: use of home workshops, power tools and power garden equipment and vehicular repairs.

e) **NOISE SENSITIVE ZONES** - Whenever the protection of the public health, safety and welfare so require, the Mayor, after a duly advertised public hearing and with the approval of the City Council by ordinance or resolution, may designate any geographical area of the City of York as a noise sensitive zone. Such designation shall include a description of the subject area by reference to named streets, the reasons for determination as a noise sensitive zone and a list of those activities, which if undertaken in such zone, shall constitute unnecessary noise. A designation may be for specified times or days of the week.

f) **SPECIAL NOISE LIMITS**

1) **HORN BLOWING** - It shall be unlawful for any person within the City to sound a vehicular horn except as an emergency warning signal.

2) **MOTOR VEHICLE OPERATION** - It shall be unlawful for any person to operate a motor vehicle in such a manner as to violate the noise limits promulgated by this City. Any measured noise level exceeding these limits shall be deemed prima facia evidence of a violation of this Section.

3) **NOISE FROM SELLING OF GOODS BY OUTCRY** - It shall be unlawful for any person within the City to sell anything by outcry between the hours of 10:00 P.M. and 8:00 A.M. The provisions of this Section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed entertainment events.

4) **MUSICAL INSTRUMENTS** - It shall be unlawful for any person to use any drum or other musical instrument upon the streets between the hours of 10:00 P.M. and 8:00 A.M. This Section shall not apply to any person who is a participant in a school band, duly licensed parade or a permitted outdoor concert, or who has been otherwise duly authorized to engage in such conduct.

5) **CONSTRUCTION** - The noise levels produced by construction projects shall not exceed the noise limits described in Section 1307.02 without issuance of a temporary exemption permit except that no exemption permit is required to perform emergency work.

6) **TEMPORARY EXEMPTION** - The Zoning Officer is hereby authorized to grant a temporary exemption from the maximum permissible sound levels established by this Ordinance if such temporary exemption would be in the public interest. A temporary exemption must be in writing and signed by the owner or operator or his appointed representative and must set forth the name of the party granted the exemption, the location of the property for which it is authorized and the period during which it is effective. A temporary exemption will be granted only for a reasonable period, which in no case shall exceed thirty (30) days, after review of all the facts. Temporary exemptions are not renewable and will not be granted more than three times in any one (1) calendar year with respect to any location. A holder of a temporary exemption is authorized to exceed the maximum permissible sound levels established by Section 1307.02(c) by no more than twenty-five (25) dB(A), unless expressly permitted by the City.

1307.03 VIBRATION.

a) **FORMULA** - No use shall cause vibrations exceeding the maximum values specified in this Section. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used:

1) PV = 6.28 F x D, where

PV = particle velocity, inches per second, F is vibration frequency includes per second, and D is single amplitude displacement of the vibration in inches.

b) **MEASUREMENT** - Particle velocity shall be the vector sum of three (3) individual components measured simultaneously in three (3) mutually perpendicular directions.

c) **MAXIMUM GROUND TRANSMITTED VIBRATION** - Activities and uses shall comply with the maximum permissible ground transmitted vibrations of the table below. Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in the table below may be multiplied by two (2).

Maximum Ground Transmitted Vibration

Zoning District (inches/second)	Particle Velocity (inches/second) Adjacent Lot Line	Particle Velocity Residential District
Residential, MUI	0.05	0.02
EC	0.10	0.02

1307.04 HEAT.

a) **STANDARD** - No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than one (1) Fahrenheit degree.

1307.05 GLARE.

a) **GLARE STANDARD, MEASUREMENT** - In Commercial and Industrial Zoning Districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (5/10)-foot candles when measured by a hand held NIST certified light meter in a Residential or Special District.

1307.06 FIRE AND EXPLOSIVE HAZARDS.

a) **APPLICABILITY** - All operations, activities and uses shall be conducted so as to comply with the rules and regulations of the Fire Prevention Code as adopted by the City of York, The Pennsylvania Uniform Construction Code, as adopted by the City of York, the State Fire Marshal, the National Fire Protection Agency (NFPA), the Pennsylvania Department of Labor and Industry, and the Commonwealth of Pennsylvania Worker and Community Right-to-Know Act, Act of October 5, 1984 (P.L. 734, No. 159), as amended.

b) **MATERIALS OF FIRE, EXPLOSIVE HAZARD** -Fire and explosive hazards include, but are not limited to: detonable materials, solid materials which are active to intense burning, flammable, and combustible liquids and gases.

1307.07 RESIDUAL AND HAZARDOUS WASTE.

a) **COMMONWEALTH OF PENNSYLVANIA STANDARDS** - Standards for the handling and disposal of residual or hazardous wastes have been established by the Commonwealth of Pennsylvania. In order to minimize overlapping regulations, the City adopts these standards as its own. The standards for residual and hazardous wastes are as stated in the Commonwealth of Pennsylvania Solid Waste Management Act, Act of July 7, 1980 (P.L. 380 No. 97), as amended, 35 P.S. 6018.101 et. seq., and in all regulations promulgated from this Act, as amended and current. To govern situations of a localized nature, the following Commonwealth requirement is highlighted:

1) **RESIDUAL WASTE STORAGE** - Residual Waste (as defined in the Solid Waste Management Act, Act of July 7, 1980 (P.L. 380 No. 97), as amended, 35 P.S. 6018.101 et. seq. and regulations promulgated from this Act, as amended) should not be stored in any Zoning District for a period exceeding one (1) year from date of generation.
2) **ADDITIONAL REQUIREMENTS** - The handling of residual and hazardous waste shall be performed in accordance with the City of York codified ordinances.

1307.08 EROSION AND SEDIMENT CONTROL.

a) **STANDARDS AND REQUIREMENTS** - All earth disturbances shall conform to standards and requirements established by the Commonwealth of Pennsylvania in The Clean Streams Law, Act of June 22, 1937 (p. L. 1987, No.), as amended, 35 P.S. 691.1 et. seq., and in all regulations promulgated for this Act as amended. Title 6 of the City of York Land Development and Subdivision ordinances shall also apply.

1307.09 STORMWATER CONTROL.

a) **STANDARDS AND REQUIREMENTS** - All stormwater discharges shall conform to standards and requirements established by the Commonwealth of Pennsylvania in The Clean Streams Law, as amended and in all regulations promulgated for this Act, as amended. City of York Land Development and subdivision ordinances and the Stormwater Management Ordinance of the City of York shall also apply.

1307.10 AIR POLLUTION.

a) **STANDARDS AND REQUIREMENTS** - Ambient air quality standards have been established by the Commonwealth of Pennsylvania Air Pollution Control Act, Act of January 8, 1960 (P.L. (1959) 2119, No.), as amended, 35 P.S. 4001 et. seq., and all regulations promulgated from this Act as amended, and are enforced by the Department of Environmental Protection Bureau of Air Quality Control. In order to minimize overlapping regulations, the City adopts these standards as its own; however, to govern situations of a localized nature, the following additional regulations are provided:
1) **ODOR THRESHOLD, MEASUREMENTS** - Odor threshold is defined as the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be measured in accordance with ASTM d 1931-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" or its equivalent.
A. **RESIDENTIAL, COMMERCIAL, SPECIAL AND LIGHT INDUSTRIAL ZONING** -Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line as measured either at ground level or habitable elevation.
B. **HEAVY INDUSTRIAL DISTRICTS** - Odorous materials released from any operation or activity shall not exceed the odor threshold at or beyond the Zoning District boundary line as measured either at ground level or habitable elevation.

2) **SMOKE**

A. **VISIBLE EMISSIONS** - A person may not permit the emission of visible air contaminants into the outdoor atmosphere in such a manner that exceed the opacity limits established by the Commonwealth of Pennsylvania under the Air Pollution Control Act, as amended, and all regulations promulgated from this Act, as amended. In addition, a person may not permit the release of any visible emissions into the outdoor atmosphere that are detectable at or beyond the property of the person on whose land the source is being generated, as observed at ground or habitable elevation.

1307.11 APPLICATION OF PERFORMANCE STANDARDS.

a) **NEW USES, CHANGES TO EXISTING** - Any new principal or accessory use established, which includes any changes to any existing building, structure or new land development associated with the new use, shall comply with all the performance standards of this Article.

b) **ALTERATION OF EXISTING USE, STRUCTURE** - If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standard herein set forth shall apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.

c) **ADMINISTRATION AND ENFORCEMENT** - Determinations necessary for administration and enforcement of environmental performance standards set forth herein range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Zoning Ordinance that:

1) **DETERMINATION; NORMALLY AVAILABLE EQUIPMENT** - Where determinations can be made by the Zoning Officer or other City employees using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued;

2) **DETERMINATION; TECHNICAL COMPLEXITY, EXPENSE** - Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, the following shall apply:

A. The Zoning Officer may call in properly qualified experts to make the determinations. If such determinations indicate violation of the environmental performance standards, the costs of the determinations shall be assessed against the person or persons responsible for the violation as may be appropriate under the terms of Section 1311.18 Penalty.

B. If no violation is found, the costs of the determinations shall be paid by the City without assessment against the persons involved.

d) **VIOLATION DETERMINED** - If the Zoning Officer finds, after making determinations in the manner set forth in this Zoning Ordinance, that there is a violation of the environmental performance standards set forth herein, he shall take, or cause to be taken, lawful action to cause correction to within the limits established by such environmental performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 1311.18 Penalty.

e) **PROCEDURE FOR CORRECTIVE ACTION** - If, in the considered judgment of the Zoning Officer, there is probable violation of the environmental performance standards set forth herein, the procedures of Section 1311.10 Remedies shall apply.

1) **EXTENSION FOR COMPLIANCE** - If a reply is received within the time limit set, stating that the alleged violation shall be corrected to the satisfaction of the Zoning Officer, but additional time is requested, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension shall not, in his opinion, cause imminent peril to life, health, safety or property.

1307.12 WETLANDS PROTECTION.

a) **REGULATIONS** - Wetlands encroachments are regulated by the United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency (EPA) Under Section 404 of the Clean Water Act (CWA). Furthermore, the USACE also makes jurisdictional determinations under Section 9 and 10 of the Rivers and Harbors Act of 1899. The Pennsylvania Department of Environmental Protection (DEP) regulates wetland encroachments under Chapter 105, Dam Safety and Waterways Management Rules and Regulations, adopted under the Dam Safety and Encroachment Act.

b) **WETLAND FUNCTIONS** - Wetlands is defined in Section 1302 Wetland - functions include, but are not limited to, the following:

1) **BIOLOGICAL** - Serving natural biological functions, including food chain products; general habitat; and nesting, spawning, rearing, and resting sites for aquatic or land species.
2) **REFUGE** - Providing areas for study of the environment or as sanctuaries or refuges.
3) **DRAINAGE** - Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns, or other environmental characteristics.
4) **PROTECTIVE BARRIER** - Shielding other areas from wave action, erosion or storm damage.
5) **WATER STORAGE** - Serving as a storage area for storm and floodwaters.
6) **DISCHARGE** - Providing a groundwater discharge area that maintains minimum base flows.
7) **RECHARGE** - Serving as a prime natural recharge area where surface water and groundwater are directly interconnected.
8) **POLLUTION FILTRATION** - Preventing or reducing non-point source pollution.
9) **RECREATION** -Providing recreation.

10) **DEP and USACE APPROVAL** - Anyone proposing to dredge, fill, riprap, otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, piling, wall, fence, utility crossing, road crossing, building, levee, dike, or other structure in any river, stream, lake, or wetland must apply for joint approval from the DEP and USACE.

11) **LAND DEVELOPMENT PLAN** - Wetland areas are required to be identified and delineated on any land development plan, whether or not any impact is proposed.

ARTICLE 1308
Sign Regulations

1308.01 General purpose.
1308.02 Definitions.
1308.03 Applicability of sign regulations.
1308.04 Construction details.
1308.05 Design guidelines.
1308.06 Sign measurement.
1308.07 Sign permit.
1308.08 Permanent sign regulations by district.
1308.09 Temporary signs.
1308.10 Off-premises advertising signs.
1308.11 Signs for non-conforming uses.
1308.12 Sign maintenance.

1308.01 GENERAL PURPOSE.

The purpose of this Ordinance is to:

a) Ensure that signs are designed and installed so that the public safety and traffic safety are not compromised;

b) To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties and enhancing the aesthetics of the community;

c) To reflect and support the desired character and development of the Residential Zoning Districts; and

d) To ensure that the constitutionally guaranteed right of free speech is protected.

1308.02 DEFINITIONS.

a) **SIGN**: Any permanent or temporary structure or part thereof, or any device that is attached, painted, or represented directly or indirectly on a structure or other surface, or which is placed inside within twelve (12) inches of a door, window, or other glazed surface which is intended to be seen from the exterior, which displays or includes any letter, word, insignia, flag, or representation used as, or which is in the nature, of an advertisement, announcement, visual communication or direction or is designed to attract the eye or bring the subject to the attention of the public.

b) **TYPES OF SIGNS**

1) **ADDRESS SIGN** -A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
2) **ATTACHED SIGN** -A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface. Attached signs shall not extend beyond the edge of any wall or other surface to which they are mounted nor project more than 18 inches from its surface.
3) **AWNING SIGN** -Any sign painted on or applied to a structure made of cloth, canvas, metal, plastic, fiberglass, or similar material which is affixed to a building and projects from it.*
4) **BANNER** -Any sign of durable, lightweight fabric or similar material that is mounted to a pole or building at two (2) or more sides (if mounted only at one side, than it shall fall under the definition of a "flag").
5) **BLADE SIGN** -Any sign mounted to a wall or other vertical building surface which projects perpendicular from the building surface. Blade signs shall not project more than three (3) feet from the wall or surface to which they are mounted, must be at least seven (7) feet above the walking surface below, and may not in any way interfere with normal pedestrian or vehicular traffic.
6) **CANOPY SIGN** - An attached sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee sign is included in this definition.
7) **FLAG** -Any fabric containing distinctive colors, patterns, or design that displays the symbol of a nation, state, local government, company, organization, belief system, idea, or other meaning.
8) **FREESTANDING SIGN** -A sign and supporting structure that is secured in the ground and independent of any building, fence, or other support.
9) **GOVERNMENTAL SIGN** -Any sign to control traffic or for identification, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee, or agent thereof in the discharge of this official duties.
10) **INFLATABLE SIGNS** -Any sign that is either expanded to its full dimension or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. For purposes of this definition and ordinance, a simple helium balloon is not be considered an inflatable sign.
11) **NON-COMMERCIAL SIGN** -A sign which communicates an ideological message, with no direct or indirect economic gain.
12) **PENNANT** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other such material, usually in series, designed to move in the wind and attracts the attention to the property on which it is located.
13) **PERSONAL EXPRESSION SIGN** -Any sign that expresses an opinion, interest, or position which does not serve a commercial purpose. The sign may not contain any language or other visual representation which would be considered vulgar or pornographic, sends a message of hate or discrimination, or violates any other law.

14) **REAL ESTATE SIGN** - Any sign that advertises the sale or lease of real property or portion thereof.
15) **ROOF SIGN** -Any sign that is constructed above the top of the vertical wall.
16) **SANDWICH BOARD**: A freestanding temporary sign with two sides, often with the sides creating an "A" shape when erected.

c) **DURATION OF SIGN**
1) **PERMANENT SIGN** -A sign which is intended to be erected or installed, or actually erected or installed, for a long period of time, exceeding ninety (90) days.
2) **TEMPORARY SIGN** -A sign which is intended to be erected or installed, or actually erected or installed, for a short period of time, not exceeding ninety (90) days or a sign that is intended to be used for a short period of time.Portable signs or any sign that is not permanently embedded in the ground or otherwise permanently affixed to real estate are considered temporary signs.
3) **MOBILE SIGN** -Any sign that is capable of moving from one premises to another, including those painted on vehicles that are parked and/or stored at a location other than where the activity associated with said vehicle is conducted unless said vehicle is being used in the normal day-to-day operations of the use of the premises on which the vehicle is parked or stored.

d) **PURPOSE OF SIGN**
1) **OFF-PREMISES SIGN** -A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, including but not limited to billboards.
2) **ON-PREMISES SIGN** -A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

e) **LIGHTING OF SIGNS**
1) **DIRECTLY ILLUMINATED** -A non-flashing or non-twinkling sign which has letters, figures, designs, or outlines illuminated by an internal or external lighting source as part of the sign.
2) **FESTOON LIGHTING** - A directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead or used to outline a structure or any part thereof.
3) **FLASHING** - A sign where any or all of the lighted portions of the sign do not remain constant in intensity or color at all times when in use.
4) **HALO** -Signs illuminated from behind which create an outline or silhouette.
5) **INDIRECTLY ILLUMINATED** - Any artificial sign lighting from lights on or directed toward the sign.
6) **NEON SIGN** - Any sign composed of glass tubing containing a large proportion of neon or other similar gas. A neon sign may be a wall sign, a projecting sign, or a window sign.

f) **MULTIMEDIA**

1) **ANIMATED SIGN** -Any sign where its appearance changes more often than every thirty (30) seconds.

2) **CHANGEABLE COPY SIGN** -A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more often than every thirty (30) seconds shall be considered an "animated sign" and not a "changeable copy sign" for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time-and-temperature portion of a sign and not a changeable copy sign for the purpose of this Ordinance.

g) **SIGN SIZE CALCULATION**

1) **BUILDING FRONT** -The side of a building determined by the Zoning Officer to be the front of the building or tenant space for purposes of determining sign size. Each building and tenant space shall have only one building frontage. The Zoning Officer shall determine the front of the building based on factors, including, but not limited to: the location of the main entrance doors, location of parking areas, location of access drives, location of public streets, and the street address.

2) **BUILDING FRONT AREA** -The area of a building front area shall be computed by means of the smallest square, triangle, rectangle, circle, or combination thereof that will encompass the extreme limits of the structure.

1308.03 APPLICABILITY OF SIGN REGULATIONS.

All signs that can be seen off of the premises, including from public street right-of-ways and adjacent private properties, on which they are located shall comply with all relevant provisions of this Zoning Ordinance, and any and all other ordinances adopted by the City of York.

1308.04 CONSTRUCTION DETAILS.

a) All signs within the City of York shall be constructed and installed in accordance with the Commonwealth of Pennsylvania Uniform Construction Codes, as adopted and amended by the City of York.

b) Signs attached to a masonry building must be attached to mortar joints rather than into brick, block, or stone itself.

1308.05 DESIGN GUIDELINES.

a) **ILLUMINATION** -Signs which are illuminated, either directly or indirectly, shall not create a nuisance. The following regulations shall apply:

1) **LIGHT SOURCES** - Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.

2) **INTERNAL ILLUMINATION** - Signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall are permitted.

3) **ANIMATION** - Signs shall not be animated. The visual appearance of a sign shall not change more often than once per thirty (30) seconds. The colors and light intensity shall also remain constant for a minimum of thirty (30) seconds at a time.

b) **HARB DISTRICT** - All signs intended to be installed on properties or attached to buildings or structures located within the City of York's Historical Architectural Review Board (HARB) Overlay District shall be subject to review by the Historical Architectural Review Board (HARB) and approval by the York City Council whether permits are required or not. Design and installation of all signs in the HARB District must comply with the requirements of the York Design Guidelines.

c) **PROHIBITED SIGNS** - No signs shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particle emission, odors, or creating a safety or traffic hazard as determined by the City Engineer. The following signs are specifically prohibited:

1) Mobile signs which are not fixed in place at a specific point on a property shall be prohibited. Such signs include portable signs pulled behind a vehicle, vehicles whose primary purpose is to serve as a sign, signs affixed to a vehicle or trailer in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose of transportation, but becomes a primary purpose in itself.
2) Signs which appear similar to a traffic sign, signal, or device shall be prohibited. This includes, but is not limited to, signs with arrows and signs on which the use of specific colors and/or words at a specific location may be confused with traffic control devices.
3) Signs containing information stating or implying that a property may be used for any purpose not permitted under the applicable provisions of this Ordinance.
4) Signs are prohibited on all trees, shrubs, rocks, or other natural objects.
5) Signs are prohibited on all utility poles and other natural and/or manmade objects not specifically designed or approved for the specific sign in question.
6) Signs within public rights-of-way other than those of a duly constituted governmental body, including traffic signals and street signs installed in accordance with the Federal Manual for Uniformed Traffic Control Devices (MUTCD).

d) **RESTRICTED CONTENT** - Signs may not contain any language or other visual representation which would be considered vulgar or pornographic, sends a message of hate or discrimination, or violates any other law.

1308.06 SIGN MEASUREMENT.

For purposes of determining compliance with this ordinance, signs shall be measured as follows:

a) The size of any sign shall be computed by multiplying its greatest height by its greatest length. In the case of signs that have no definable edges, such as raised letters attached to a building façade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

b) Double-faced Signs:

1) **Residential zoning districts**: For signs in residential zoning districts, the surface area of a double-faced sign shall be computed by counting both sides.

2) **Commercial districts:** For commercial districts, when computing the surface area of a double-faced sign, only one side shall be considered providing all faces are identical. However, if the interior angle formed by the two(2) faces of a double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

3) **Off-premises advertising signs**: For the purposes of signs regulated by section 1308.10, measurement shall be determined by the regulations set forth in that section.

c) Structural members not bearing advertising matter and/or not in the form of a symbol shall not be included in the computation of surface area.

1308.07 SIGN PERMIT.

a) **SIGN PERMIT** - All signs require permits from the City of York, other than those specifically listed in this ordinance as not needing a permit. Permits are needed for the construction, reconstruction, erection, installation, and repair of signs, other than routine maintenance. The following information must be submitted for approval of a sign permit:

1) A completed application on a form to be provided by the City of York.
2) Detailed construction plans of the proposed sign, to scale, with all information necessary to review the sign to ensure compliance with the adopted codes of the City of York.
3) Detailed site plans of the property where the sign is to be installed. Plans are to be to scale, show the precise location of the sign, location and details of all other signs at the property, and show all buildings and structures on the property.
4) For signs in the HARB district, evidence of approval from the York City Council must accompany sign permit applications.
5) Any other relevant information requested by the Zoning Officer, where such information is reasonably necessary to determine compliance with this Ordinance.

Upon submission of the completed sign permit application, the Zoning Officer and Building Code Official will review the application to ensure compliance with all applicable City ordinances. Within ten (10) working days, the sign permit shall either be approved or denied, or a letter shall be sent to the applicant explaining that additional information is needed in order to complete the permit review process.

b) **PERMIT EXEMPTION** - Permits are not required for the following signs, although the signs must still meet all applicable zoning regulations and construction standards:

1) Governmental signs;
2) Address signs;
3) Street signs; and
4) Non-commercial signs.

1308.08 PERMANENT SIGN REGULATIONS BY DISTRICT.

a) **RESIDENTIAL& MIXED USE DISTRICTS** -In districts including RS1, RS2, UN1, UN2, MUI1, and MUI2, signs are limited in order to preserve the character of the neighborhood as a place where persons or families reside, to promote aesthetics, to ensure safety of motorists and pedestrians. The following on-premises permanent signs are permitted in residential districts, including RS1 and RS2.

1) Non-commercial signs not exceeding six (6) square feet in size and four (4) feet in height, from natural grade to the highest part of the sign. Such signs may be attached or freestanding, but must be placed within five (5) feet of the front wall of the principal structure on the property, and may not be within the required building setback for the District. Such signs shall be non-illuminated.

2) Commercial signs for businesses permitted at the property, such as a home occupation or as a non-conforming use, when such sign does not exceed six (6) square feet in size and four (4) feet in height, from natural grade to the highest part of the sign. Such signs may be attached or freestanding, but must be placed within five (5) feet of the front wall of the principal structure on the property and may not be within the required building setback for the District. Such signs shall be non-illuminated.

3) Blade signs shall be permitted as a substitute for an attached sign.Blade signs may not exceed ten percent (10%) of the area of the building front or six (6) square feet in area, whichever is less. For corner properties, the sign size may be split into two signs, with the total combined size of the two signs not exceeding six (6) square feet in area.

b) **COMMERCIAL DISTRICTS** - In Commercial Districts, including CBD and EC, signs are permitted in order to allow businesses an opportunity to attract customers to their establishment and to assist customers in locating their facility. Limitations are placed on signs in order to promote a positive character within the District, to protect the non-residential uses from a proliferation of large signs, and to promote aesthetics, to ensure safety of motorists and pedestrians. The following on-premises permanent signs are permitted in Commercial Districts, including EC and CBD:

1) **FREESTANDING** - Freestanding signs are permitted in the Commercial Districts with the following restrictions:

A. **SIZE** - One square foot for each lineal foot of street frontage, up to a maximum of sixty (60) square feet. For corner properties, the total size may be increased to ninety (90) square feet, but no one sign may exceed sixty (60) square feet.

A. **HEIGHT** - The maximum height of a freestanding sign shall be fifty percent (50%) of the sign's setback from the closest street right-of-way line. In no case shall the height of a freestanding sign exceed thirty-five (35) feet.

B. **SETBACK** - The minimum setback shall be fifty percent (50%) of the building setback requirement for the District in which it is located, but in no case less than ten (10) feet. If this section cannot be met, then a freestanding sign shall not be permitted at the property.

C. **ILLUMINATION** - Signs in Commercial Districts may be directly or indirectly illuminated.

D. **NUMBER** - One (1) freestanding sign is permitted, except for corner properties, in which case two (2) freestanding signs shall be permitted in accordance with subsection (A) above.

2) **ATTACHED** - Attached signs are permitted in the Commercial Districts with the following restrictions:

A. **SIZE** - Attached signs may not exceed twenty percent (20%) of the area of the building front or one-hundred (100) square feet in area, whichever is less. For corner properties, the sign size may be increased to twenty-five percent (25%) of the area of the building front or one-hundred fifty (150) square feet, whichever is less, to be divided between two (2) signs, one (1) being placed on each side of the building. Neither sign may exceed one-hundred (100) square feet.

B. **ILLUMINATION** - Signs may be directly or indirectly illuminated. Directly illuminated signs shall not be permitted in the HARB overlay District unless specifically recommended by HARB and approved by City Council.

C. **NUMBER** - One (1) sign shall be permitted. For corner lots, one sign shall be permitted on each side of the building as noted in subsection (A) above.

3) **BLADE** - Blade signs shall be permitted as a substitute for an attached sign. A. **SIZE** - Blade signs may not exceed ten percent (10%) of the area of the building front or twelve (12) square feet in area, whichever is less. For corner properties, the sign size may be increased to fifteen percent (15%) of the area of the building front or twenty four (24) square feet, whichever is less, to be divided between two (2) signs, one (1) being placed on each side of the building. Neither sign may exceed fifteen (15) square feet.

B. **ILLUMINATION** - Signs may be indirectly illuminated. Directly illuminated signs shall not be permitted.

C. **NUMBER** - One (1) sign shall be permitted. For corner lots, one (1) sign shall be permitted on each side of the building as noted in subsection (A) above.

1308.09 TEMPORARY SIGNS.

Signs intended for short periods of time are subject to the following restrictions:

a) **NO PERMIT NEEDED** - The following on-premises temporary signs may be erected without a permit:

1) **REAL ESTATE SIGNS**

A. **RS1, RS2, UN1, UN2, MUI1 and MUI2 DISTRICTS** - One six (6) square foot real estate sign may be erected on properties within Residential Zoning Districts to advertise the sale or lease of a property. The sign may not be placed in a public right-of-way or on a sidewalk and must be removed at such time as a contract is signed by the seller and buyer or leaser and lessee.

B. **EC DISTRICTS**- A thirty-two (32) square foot real estate sign may be erected to advertise the sale or lease of a property. The sign may not be placed in a public right-of-way or upon any sidewalk and must be removed at such time as a contract is signed by the seller and buyer or leaser and lessee. Properties with no front yard may only place such signs in a window or attached to the front of the building.

C. **CBD DISTRICT** - A sixteen (16) square foot real estate sign may be erected to advertise the sale or lease of a property. The sign may not be placed in a public right-of-way or upon any sidewalk and must be removed at such time as a contract is signed by the seller and buyer or leaser and lessee. Properties with no front yard may only place such signs in a window or attached to the front of the building.

2) **SANDWICH BOARD SIGNS**

A. **UN1, EC, and CBD** - A twelve (12) square foot sandwich board sign may be erected from 6:00 am to 8:00 pm. Only one sign shall be permitted per business. No two signs shall be permitted within ten (10) feet of one another. A five foot clear width pedestrian pathway must be maintained. Signs may not be placed in a position which creates a hazard to traffic safety or pedestrian accessibility.

3) **PERSONAL EXPRESSION SIGNS**

A. **RS1, RS2, UN2, and MUI2 DISTRICTS** - One six (6) square foot sign may be erected on properties within Residential Zoning Districts as well as the UN2 and MUI2 zoning districts. The sign may not be placed in a public right-of-way or on a sidewalk and must be removed if and when the message is no longer relevant (as may be after an election).

B. **UN1 and MUI1 DISTRICTS** - One six (6) square foot sign may be erected on properties. The sign may not be placed in a public right-of-way or on a sidewalk and must be removed if and when the message is no longer relevant (as may be after an election). Properties with no front yard may only place such signs in a window or attached to the front of the building.

C. **EC and CBD** - One thirty-two (32) square foot sign may be erected on properties. The sign may not be placed in a public right-of-way or on a sidewalk and must be removed if and when the message is no longer relevant (as may be after an election). Properties with no front yard may only place such signs in a window, door, or glazed opening, or attached to the front of the building.

4) **WINDOW SIGNS**. No more than ten percent (10%) of the window area of a building, or fifteen (15) square feet, whichever is less, may be covered with window signs. Such signs may be painted onto the windows or signs may be placed inside the window.

b) **PERMIT NEEDED** -The following on-premises temporary signs may be erected only when a permit is obtained from the City of York and the expiration of the 90 day period is clearly identified in a visible location on the sign:

1) **BANNERS** - One (1) banner, no larger than twenty-four (24) square feet, may be erected at a property. The banner must be securely attached to a building and may not extend out from the building in any direction. A banner may be erected for a maximum of ten (10) days at a time. A property may only obtain a banner permit a maximum of three times per calendar year. Banners shall only be permitted in the EC zoning district.

2) **INFLATABLES** - One (1) inflatable sign, no taller than fifteen (15) feet and no wider than ten (10) feet may be erected at a property. The inflatable must be securely attached to the ground or building. Cold air inflatables, which require constant airflow by means of a powered blower, are only permitted from 8:00 A.M. to 8:00 P.M. The inflatable may only be erected for a maximum of five (5) days. A property may only obtain an inflatable permit a maximum of three times per calendar year. Inflatables shall only be permitted in the EC zoning district.

3) **NEW BUSINESS OR DEVELOPMENT** - A new business may obtain a temporary sign permit for a sign to be erected on-site while construction of the new business is being completed or the permanent sign is completed. The sign size and height may not exceed the dimensions permitted for a permanent sign at the property. The temporary sign must be removed at such time as the permanent signs are erected on the property. New Business or Development signs shall be permitted in all zoning districts.

1308.10 OFF-PREMISES ADVERTISING SIGNS.

Off-premises advertising signs, including but not limited to "billboards" shall ONLY be permitted in EC District.

a) One (1) single sign shall be allowed providing the surface area is not greater than seven-hundred (700) square feet or two (2) single signs shall be allowed providing the surface area of each sign face is not greater than three-hundred (300) square feet per face.

b) Both faces of the sign may display different messages providing the interior angle formed by the two faces is less than forty-five (45) degrees and the sign structure is the same for both sides.

c) The distance between signs shall be a minimum of five-hundred (500) feet in all directions in all applicable Zoning Districts.

d) The maximum height from natural grade to the highest point of the sign shall be thirty-five (35) feet.

e) The setback shall be the building setback line, or thirty-five (35) feet from the street right-of-way line, whichever is greater.

1308.11 SIGNS FOR NON-CONFORMING USES.

a) Signs for pre-existing nonconforming uses and uses permitted by variance must comply with all sign requirements in this Ordinance. Signage regulations are based on the general purposes stated above as well as the Zoning District where the sign is to be located. Signs are not regulated based on content of the sign or use of property.

1308.12 SIGN MAINTENANCE.

a) **DAMAGED SIGNS -** Signs that are damaged, in disrepair, or vandalized and not repaired shall be removed.

b) **AREAS AROUND SIGNS** - Planters and/or landscaped areas around signs must be maintained in a manner that prevents visual blight.

c) **NONCONFORMING SIGNS** - Nonconforming signs that were legally erected may be maintained until such time as they are damaged, destroyed, removed, or in need of repair to a degree of fifty percent (50%) or more of the value of the sign. At such time, the sign may only be repaired or replaced in strict conformance with this ordinance. A nonconforming sign shall not be expanded, enlarged, or structurally changed. Changes to the facing of the sign only, with no changes to the physical structure of the sign are permissible.

d) **REMOVAL OF SIGNS** - Signs must be removed within seven (7) days of the sign no longer being relevant. This shall include, but not be limited to:

1) Seven (7) days following a political election for which a sign was displayed.
2) Seven (7) days following a signed sale or lease for which a real estate sign was displayed.
3) Seven (7) days following the closing of a business or discontinuation of a use for which as sign related.
4) Seven (7) days following a sale, event, or activity for which a sign related.

ARTICLE 1309
Parking Regulations

1309.01 Required off-street parking spaces.
1309.02 Parking location and management requirements.
1309.03 Parking design standards.
1309.04 Off-street loading requirements.

1309.01 REQUIRED OFF-STREET PARKING SPACES.

a) **REQUIREMENTS** - Any building or other structure erected, altered, used or occupied for any use shall be provided with minimum off-street parking spaces as set forth Article 1304, together, with adequate accessways, driveways or other means of circulation and access to and from a public street. No off-street parking shall be allowed on an unimproved yard.

b) **MULTIPLE USES ON LOT** - Unless specifically waived by this ordinance or the Zoning Hearing Board, parking space requirements for two (2) or more uses on a lot shall be cumulative and not limited to the major or primary use.

c) **SHARED PARKING** -Shared parking may be requested. Shared parking is an option if parking can be provided to serve two (2) or more individual land uses without conflict or encroachment. The Zoning Officer may make a determination for shared parking arrangements based on a traffic survey or traffic impact study for the site(s) based on the following criteria:

1) At a minimum, a traffic survey or traffic impact study must examine, for all uses, trip generation, hours of operation, quantity of required parking spaces, quantity of spaces that will be filled during peak hour periods and any unusual events that may occur during the year that will exceed the average parking requirement. The study must indicate that ample parking exists to meet the demand of uses served as well as meet technical requirements as specified by the Director of Planning;

2) The applicant shall provide a long-term agreement (contract parking) between parties sharing parking spaces to meet the requirements of the City Solicitor;

3) Additional parking requirements may be identified by the Zoning Officer if demand for parking outgrows the supply of available space: a demand/supply ratio greater than one (1) is unacceptable; and
4) Waivers are only applicable to the original use(s) at the time of the request. In the event that a use or uses should change, parking requirements are subject to requirements of the Ordinance.
5) Acceptable distance standards for compliance are in Section 1309.08(h) Location of Parking Spaces.

d) **CBD DISTRICTS** - Off-street parking is waived for all uses within the CBD zoning district, except as otherwise noted in this ordinance.

1309.02 PARKING LOCATION AND MANAGEMENT REQUIREMENTS.

a) **EXISTING PARKING** - Structures and uses in existence at the date of adoption of this Section shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

b) **NONCONFORMING PARKING LOTS**

1) **CONTINUATION** - Any nonconforming lot may be continued although such lot does not conform to the lot requirements for the Zoning District in which it is located.
2) **CONSTRUCTION** - The provisions of this Ordinance shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, or the establishment of a use on any nonconforming lot. However, this provision shall not apply to any two (2) or more contiguous lots in single ownership as of, or subsequent to, the effective date of this Section where re-parceling or re-platting could create one (1) or more conforming lots.
3) **VARIANCE** - The Zoning Hearing Board may, by variance, reduce or waive the yard requirements if it is determined that the provisions of Article 1311 regarding variance appeals are met.

c) **CHANGE IN REQUIREMENTS** - Whenever there is an alteration of a structure, or a change or extension of a use, parking shall be provided for the additional area and use as required by this ordinance.

d) **CONFLICT WITH OTHER USES** - No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

e) **CONTINUING OBLIGATION**

1) **MAINTENANCE AVAILABILITY** - All required parking facilities shall be provided and maintained so long as the use that the facilities were designed to serve exists. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board, and then only after proof that, by reason of diminution in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

2) **DRAINAGE AND EROSION REQUIREMENTS** - For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, paved and drained to the satisfaction of the City Engineer to the extent necessary to prevent nuisances of dust, erosion or excess water flow across streets or adjoining property.

f) **PARKING FOR JOINT USE** - Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total only as a special exception if it can be demonstrated to the Board that the hours or days of peak parking needed for the uses are so different that a lower total shall provide adequately for all uses served by the facility.

g) **FRACTIONAL PARKING SPACES** -Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding one-half (1/2) space shall be counted as one (1); any fraction less than one-half (1/2) may be dropped, except as otherwise specified in this ordinance.

h) **LOCATION OF PARKING SPACES**

1) **RS1, RS2, MUI2, UN2, and OS DISTRICTS** - In RS1, RS2, MUI2, UN2, and OS Districts, required off-street parking spaces shall be on the same lot or premises with the use served.

2) **MUI1,UN1, EC DISTRICTS** - In MUI1, UN1, and EC Districts, required off-street parking spaces may be on the same lot or premises with the use served or on a lot separated therefrom, but within one-hundred (100) feet for residential uses and two-hundred (200) for all other uses. Where provision of required parking involves a lot separated from the use served, the applicant for a use or building permit shall submit with his application an instrument duly executed and acknowledged, which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.

i) **DELAY OF PARKING INSTALLATION REQUIREMENTS BY COUNCIL** - The installation of all off-street parking spaced required by the provisions of Section 1309.01, Required Off-Street Parking Requirements, may be delayed by Council, provided:

1) The land development plan shows all required spaces, including required buffer strips and access ways;
2) The land development plan shows specifically which spaces are to be delayed in installation;
3) Satisfactory documentation is submitted attesting to the reduced need for off-street parking; and
4) The developer enters into an agreement and executes a performance bond to construct the remaining spaces, if in the opinion of Council, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.

j) **LIGHTING PUBLIC PARKING AREAS** - All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.

1309.03 PARKING DESIGN STANDARDS.

a) **GENERAL LAYOUT** - The layout of every parking lot shall provide safe and efficient internal circulation in accordance with accepted traffic engineering principals and standards.

1) **DEAD-END PARKING LOTS** - All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking lot.

2) **INDIVIDUAL MOTOR VEHICLE MOVEMENT** - Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring any other motor vehicles to be moved.

3) **PRIVATE PARKING** - Private parking lots, including residential and employee, are not subject to the standards as described in Section 1309.03 Parking Design Standards, except when such parking facility abuts a public right-of way whereupon the standards governing setback and screening shall apply. In the case of a double frontage lot, setback and screening standards in rear yards are not required along the abutting public right-of-way.

b) **SIZE OF PARKING LOTS** - No one lot for off-street parking of motor vehicles shall exceed thirty-six (36) cars in capacity. For purposes of this Zoning Ordinance, a parking lot shall be considered any parking area separated from another by planting strips as provided in subsection (g) hereof. Such lots may be connected by vehicular access ways. Car sale lots and stadiums shall be exempted from this requirement.

c) **PARKING LOT ACCESS TO STREETS** - At no time shall angle or perpendicular parking be permitted along public streets unless it is public parking provided by the City of York and located within the public right-of-way, in which case such parking should be "back-in" only. All parking lots and bays permitting parking other than parallel shall be physically separated from the street and confined by curbing or other suitable separating device.

1) **ENTRANCES, EXITS** - Entrances and exits to and from off-street parking lots shall be located so as to create minimum interference with street traffic.

2) **PRVENTING OVERFLOW ONTO STREETS** - Every off-street parking lot shall include sufficient reservoir space to accommodate entering and exiting vehicles without overflowing onto adjacent streets or service roadways.

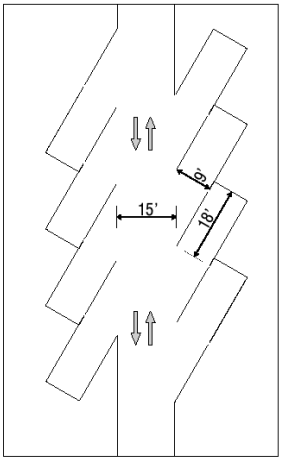
3) **ALLEYS, LANES, SERVICEWAYS** - Alleys, lanes and other serviceways that are primarily intended to provide a secondary means of access to lots do not require a physical separation from the street as required in subsection (c) hereof, unless it is determined that the emplacement of a parking lot or space shall negatively impact adjacent properties.

d) **DIMENSIONS OF STALLS AND AISLES** - Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking (Degrees)	Parking Space (Feet)		Aisles (Feet)	
	Width	Depth	One-Way	Two-Way
90	9	18	18	22
60	9	20	16	18
45	9	20	15	18
30	9	18	12	15
Parallel	8	20	12	18

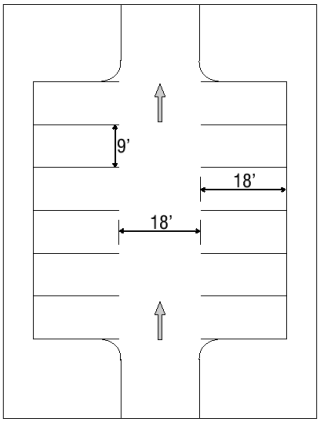
60 Degree- Two-Way

45 Degree One-Way

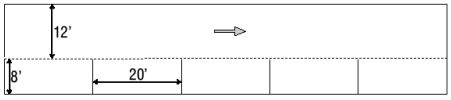


30 Degree - Two-Way

90 Degree One-Way



Parallel



e) **SPECIAL USE PARKING LOTS** - When a group of parking spaces is designed and appropriately signed to accommodate subcompact cars and/or motorcycles, the above dimensions may be reduced by ten percent (10%).

f) **AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS FOR ACCESSIBILITY OF PARKING SPACES**

1) **NEW CONSTRUCTION, ALTERATION** -New construction and alterations of places of public accommodation and commercial facilities must be accessible in accordance with the requirements of ADA Accessibility Guidelines (ADAAG).

Total Parking Spaces in Lot	**Minimum Number of Accessible Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

Source: Americans with Disabilities Act Accessibility Guidelines

2) **ACCESSIBLE SPACE REQUIREMENTS** -Accessible spaces are required to be designed, constructed, and signed in accordance with the accessibility requirements of the Pennsylvania Uniform Construction code.

3) **LOCATION PARKING -** Facilities for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars.

g) **SEPARATION OF PARKING LOTS**

1) Separate lots on a parcel shall be physically separated from one another by five (5) foot planting strips.

2) Pedestrian crosswalks and refuge islands shall be provided at intervals not exceeding two-hundred (200) feet along the length of each parking lot. Car sale lots shall be exempted from this requirement.

h) **SETBACKS**

1) **RESIDENTIAL, URBAN NEIGHBORHOOD, AND MIXED USE INSTITUTIONAL DISTRICTS**- All parking lots shall be set back from any street line in conformance with pertinent building setback or yard requirements.

2) **CENTRAL BUSINESS DISTRICT AND EMPLOYMENT CENTER DISTRICTS** -Where setbacks are required in the CBD and EC districts, such setbacks may be reduced to five (5) feet when planted and screened in accordance with Article 1305.

i) **SCREENING** - Parking lots for six (6) or more vehicles accessory to any institutional, commercial, industrial use and located in or immediately adjacent to a Residential, Urban Neighborhood, or Mixed Use Institutional district shall be screened in accordance with Section 1305.02 Buffering and Screening on each side which faces a residential use or district. Required screening for parking areas and driving lanes adjacent to or abutting a public right-of-way may not exceed two (2) feet in height.

j) **CURB RADIUS** -No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

k) **SETBACKS** - Off-street parking areas are not permitted in any required front yard, but off-street parking areas may project into a required side or rear yard a distance of not more than one-half (1/2) its required dimension, except in rear yards or side yards where there is access to the property from a public street or alleyway.

l) **INTERIOR LANDSCAPING** - In any parking lot containing ten (10) or more parking spaces, except a parking garage, ten percent (10%) of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every ten (10) parking spaces. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. Interior landscaping must have clear visibility from two feet off the ground to seven feet off the ground. A landscaping plan must be approved by the Zoning Officer and should incorporate principles of CPTED where appropriate.

1) Projects obtaining LEED® Gold or greater certification shall be exempt from interior landscaping requirements.

m) **MODIFIED PARKING SPACE LENGTH** - If curbing and/or bumper blocks are provided, the required dimension (length) of a parking space may project no more than two (2) feet into any interior landscaped area, and the required length of parking spaces may be reduced by two (2) feet, provided the landscaped area is at least five (5) feet in width.

n) **PARKING LOTS** - All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on the raised parking islands and not on the parking surface.

1309.04 OFF-STREET LOADING REQUIREMENTS.

a) **REQUIRED SPACES AND BERTHS**

1) **INSTITUTIONAL, COMMERCIAL, INDUSTRIAL, UTILITY, TRANSPORTATION USES** - For all institutional, commercial, industrial and utility/transportation uses whose principal buildings have an aggregate floor area exceeding six-thousand (6,000) square feet, at least one (1) off-street loading space shall be provided. Where there is an aggregate of twenty-thousand (20,000) square feet or more, one (1) off-street berth shall be provided for the initial twenty-thousand (20,000) square feet plus one (1) additional berth for each sixty-thousand (60,000) square feet above twenty-thousand (20,000) square feet. For uses where a loading berth is required by this ordinance, but not practical for the specific use proposed, the owner/applicant may provide evidence to the Zoning Officer that a berth is not practical and additional loading spaces may be used to replace the required loading berth(s).

2) **OFF-STREET LOADING BERTHS VERSUS OFF-STREET LOADING SPACES** - For purposes of this Zoning Ordinance, off-street loading berths shall be distinguished from off-street loading spaces in that a berth shall have a platform or dock raised to the height of a truck bed whereas a space may off-load at ground level.

3) **MAINTENANCE** - All off-street loading spaces and berths shall be provided and maintained so long as the use exists which the facilities were designed to serve.

4) **SPECIFICATIONS** - Off-street loading facilities shall be designed to conform to the following specifications:

A. Each required berth shall be not less than twelve (12) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, exclusive of drives and maneuvering space and shall be located entirely on the lot being served;

B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space;

C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet, and the minimum width shall be twenty (20) feet; and

D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the City Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across streets or adjoining property.

ARTICLE 1310
Planned Residential Development

1310.01 Purposes.
1310.02 Definitions.
1310.03 Eligibility and design standards.
1310.04 Procedures.
1310.05 Administration and review.

1310.01 PURPOSES.

The purpose of this Planned Residential Development Ordinance is to:

a) Insure that the provisions of the City Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by- lot development in a manner which would distort the objectives of such Zoning Ordinance;

b) Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety of type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to such dwellings;

c) Provide greater opportunities for better housing and recreation for all who are or shall be residents of the City;

d) Encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may ensure to the benefit of those who need homes; and

e) In aid of these purposes, provide a procedure which can relate the type, design and layout of residential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to ensure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

1310.02 DEFINITIONS.

As used in this Planned Residential Development Ordinance, the following words and phrases shall have the meaning indicated below:

1) **APPLICANT**
A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

2) **BUILDING AREA**
The floor area at ground level of all buildings occupying space within the residential land area. Included for the purposes of this definition are enclosed storage facilities, enclosed trash/garbage storage areas, garages, carports, covered porches, breezeways, etc.

3) **COMMON OPEN SPACE**
A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities.

4) **COMPREHENSIVE PLAN**
The Comprehensive Plan for the City of York.

5) **DENSITY, GROSS**
The density calculated by dividing the total number of dwelling units by the gross site area in acres. This density is illustrative only, net density is controlling.

6) **DENSITY NET**
The density in the residential land area portion of the site. Net density is calculated by dividing the total number of units by the net site area in acres. This density controls actual site capacity.

7) **DEVELOPER**
Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made an application for approval of a development plan.

8) **DEVELOPMENT PLAN**
The provisions for development of a planned residential development, including a plat of subdivision, elevations of all buildings, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Planned Residential Development Ordinance means the written and graphic materials referred to in this definition.

9) **DWELLING UNIT, SINGLE-FAMILY DETACHED**
A single-family residence that may be on an individual lot with private yards on all four sides of the house.

10) **DWELLING UNIT, SINGLE-FAMILY DETACHED-LOT LINE**
Dwelling unit/single-family detached-lot line means a single family residence on an individual lot, of which one side of the building is set on a side property line. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction. Windows on the lot line side of the dwelling are prohibited.

11) **DWELLING UNIT, DUPLEX**
A single family semi-detached dwelling unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

12) **DWELLING UNIT, MULTIPLEX**
An attached dwelling that may be single family or multi-family. All units may have independent outside access but this is not necessary.

13) **DWELLING UNIT, TOWNHOUSE**
A single family attached dwelling with one dwelling unit from ground to floor, having individual outside access. A townhouse may either have two common walls or one common wall depending upon its location in a row of townhouses.

14) **DWELLING UNIT, GARDEN APARTMENT**
Multi-family buildings where individual units share a common outside access.

15) **APARTMENT, MID-RISE**
Multi-family buildings where there are up to nine separate floors where each individual unit shares a common outside access.

16) **GROSS SITE AREA**
All land area within the site as defined in the deed.

17) **FLOOR AREA**
The sum of the areas on all floors of the building or structure, including areas used for human occupancy as measured from the exterior faces of the walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies and below grade floor areas, but excluding open terraces, patios, atriums, balconies, carports, garages, breezeways and tool sheds.

18) **MAXIMUM FLOOR AREA**
The maximum floor area allowed by multiplying the floor area ratio times the gross site area. In cases where there is unusable land, this shall be deducted from the gross site area. The maximum floor area shall then be based upon the floor area ratio times the net site area.

19) **FLOOR AREA RATIO**
The maximum permitted floor area divided by gross site area.

20) **IMPERVIOUS SURFACE MAXIMUM**
The maximum amount of impervious surfaces that do not absorb precipitation. All parking lots, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the City Engineer to be impervious within the meaning of this definition shall also be classed as impervious surfaces. Pervious pavement and concrete are exempt from this definition when approved by the City Engineer. All buildings, principal and accessory, are specifically excluded from this definition.

21) **IMPERVIOUS SURFACE RATIO**
A measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the gross site area.

22) **LANDOWNER**
The legal or beneficial owner or owners of land, the holder of an option or contract to purchase whether or not any such option or contract is subject to any conditions, a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land.

23) **LAND USE INTENSITY RATIOS**
A rating correlating land area, floor area, open space, parking requirements and types of structures into a range of densities. The floor area ratios, impervious surface and open space are based on land area, and the car ratios on the number of dwelling units.

24) **NET SITE AREA**
That portion of land area which remains after unusable land is subtracted from the gross site area.

25) **NONRESIDENTIAL LAND**
Land used for open space, recreation and parking.

26) **OCCUPANT CAR SPACE**
That part of land allocated for parking spaces for residents.

27) **OCCUPANT CAR RATIO**
The minimum number of parking spaces required for the occupants of the planned residential development for each dwelling unit.

28) **OPEN SPACE, MINIMUM**
The minimum amount of open space required by multiplying the open space ratio times the gross site area.

29) **OPEN SPACE RATIO**
The minimum permitted open space divided by gross site area.

30) **PLANNED RESIDENTIAL DEVELOPMENT**
A contiguous area of land with or without existing structures controlled by a landowner to be developed or rehabilitated as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created from time to time under the provisions of the Zoning Ordinance.

31) **PLOT**
The map or plan of a land development and/or redevelopment whether tentative or final.

32) **RESIDENTIAL LAND AREA**
The area within the project's gross site area, excluding unusable land and nonresidential land.

33) **RESIDENTIAL CONVERSION**
The conversion of an industrial, commercial or institutional building from its original functional use to residential dwellings. Included in this definition are vacant residential units provided that the developer has within his control the entire row of houses.

34) **SECTION**
A Geographical area or tract which is part of a proposed planned residential development which shall be developed according to a timetable for development over a period of years included by the applicant in the development plan.

35) **STAGE**
A section or sections of which an applicant proposed to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

36) **TOTAL CAR RATIO**
The minimum number of parking spaces required for occupants and visitors for each dwelling unit.

37) **TOTAL CAR SPACE**
That part of land allocated for parking spaces for residents and visitors.

38) **UNUSABLE LAND**
Land not beneficial to residential use due to location or character such as drainage ditches, steep slopes, dense woods, sidewalks and utility strips when their presence renders the land unusable for residential use. Active recreational areas shall not be included for purposes of this definition.

1310.03 ELIGIBILITY AND DESIGN STANDARDS.

a) **ELIGIBILITY**
No application for tentative approval of a planned residential development shall be considered or approved unless the following conditions are met:

1) The development consists of a contiguous land area of at least two acres;
2) The development shall be served by the City's water supply and sewage disposal systems, which shall be constructed at the time construction of the structures in the development begins; and
3) The proposed development is found to be generally consistent with the Comprehensive Plan and Land Use Plan for the City.

b) **DEVELOPMENT STANDARDS.**

1) **Permitted Uses**. A planned residential development may include:
   A. Single family detached dwelling units.
   B. Semi-detached and attached dwelling units.
   C. Garden apartments.
   D. Mid-rise apartments.
   E. To the extent they are designed and intended primarily to serve residents of the planned residential development, noncommercial recreational facilities such as parks, playgrounds, tot lots, community centers, tennis courts, swimming pools, game rooms, etc.

2) **Land Use Intensity Standards and Related Requirements.** For purposes of regulating development of vacant land or vacant buildings in RS2, UN1, UN2, MUI1, MUI2, and CBD Districts, land use intensity standards have been established for density, floor area, open space, building coverage, impervious surfaces and parking.

TABLE 1

Standards	**RS2**	**UN1**	**UN2**	**MUI1**	**MUI2**	**CBD**
Net density (maximum units per acre)	15	22	15	22	22	70
Floor area ratio	.60	.75	.60	.75	.75	N/A
Open space ratio	.40	.35	.40	.35	.35	.05
Building coverage ratio	.40	.45	.40	.45	.45	.65
Impervious surface ratio	.20	.20	.20	.25	.25	.30
Occupant car space	2.0	1.5	2.5	1.5	1.5	1.0

A. **Bonus density.** A bonus density of up to fifteen percent (15%) over and above the total allowable floor area may be achieved by meeting specific criteria beyond the basic performance standards. The various bonuses are cumulative. The higher densities may be allowed only in accordance with the bonus provisions contained in this section. In no event shall the average net residential density for planned residential developments exceed the net density with bonus provisions as set forth in the preceding table.

A. **Ownership**. Where the developer provides for individual ownership of dwelling units through acquisition or condominium agreement, a bonus shall be awarded in accordance with the following:

Dwelling Units Proposed for Individual Ownership (Percent)	**Bonus (Percent)**
100	15
75	10
50	5

B. **Landscaping**. Where the developer employs four or more of the following site design details a bonus of five percent (5%) shall be provided:

1. **Paving materials.** Sidewalks shall be of concrete with a two foot brick band running the entire length of the walkway. Other appropriate decorative treatments may be permitted by City Council.
2. **Focus areas**. The ground area of passive areas that are designed for group sitting shall be concrete and finished as either rough or smooth with aggregates exposed when desirable. Other appropriate decorative treatments may be permitted by City Council.
3. **Lighting**. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

Location	**Minimum Feet Above Grade**
Pedestrian Walkways	12
Parking Lots	15
Arterial Streets	25
Non-Arterial Streets	15

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

Location	**Residential Uses (Foot Candles)**
Roadways	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
Pedestrian areas	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

4. **Benches**. There shall be one bench for every five dwelling units planned. Bench construction shall be as follows:
   a. Along local walkways or paths and in focus areas benches with backs shall be appropriately placed.
   b. Within focus areas, benches without backs can be provided if integrated as tree planters, retaining walls or as other uses.
5. **Trees**. Along sidewalks or paths that do not run along streets, trees shall be planted every fifty feet within the brick band. Trees types shall be as approved by the City Forrester.
6. **Terrain features**. Natural or manmade terrain features shall be used to reinforce focus areas, provide direction or enclosure, or be used in combination with vegetative screening.

C. **Bedroom mix**. A mix of dwelling units with regard to a number of bedrooms is desirable to promote a balanced community. Although one of the advantages to a planned residential development is the potential for mix, it is not required. A bonus of five percent (5%) is therefore provided when a developer within his development plan provides for any of the following bedroom mixes:

Percentage of Units		
1 Bedroom	2 Bedroom	3 Bedroom and More
50	25	25
25	50	25
25	25	50

c) **Design, Bulk and Location Standards**.

1) **Site design**.

A. All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of available sunlight on the physical layout and form of the proposed buildings shall be taken into account.

B. All housing shall be sited in order to maximize external as well as internal view orientation in order to create opportunities for privacy as well as to ensure natural light for all principal rooms.

C. Variations in setbacks shall be provided where necessary in order to create exterior identity and privacy.

2) **Tree conservation.**

A. Where existing trees are located in a development plan, they shall be preserved wherever possible. The protection of trees shall be an important consideration in determining the location of open space, buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.

B. A list of approved street trees shall be maintained by the City Forester. When sidewalks follow a street, the trees shall be placed between the curb line and the sidewalk at intervals to average forty feet.

3) **Streets**.

A. The street system shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas. There are several aspects which may lead to the varying of size or design of specific streets:

1. **Local access streets.** Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be twenty-two feet. Where local access streets are twenty-two feet, no on-street parking shall be permitted.
2. **Collector streets**. Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be thirty feet. Where collector streets are thirty feet, no on-street parking shall be permitted.
3. **Rights of way**. Where sidewalks do not run along the streets or where utilities are located outside of the right of way, the right of way may be reduced in width with the approval of the City Engineer.

B. In developed urban areas of the City, width of alleys as secondary access streets may be twenty feet for two way traffic and sixteen feet for one way traffic.

4) **Sidewalks.**

A. The separation of sidewalks and streets may be accomplished where deemed appropriate. One or both sidewalks within street rights of way may be eliminated when it is shown that other functional pedestrian walkways are provided.

B. Sidewalks shall be of all-weather construction and capable of being easily cleared of snow and debris.

C. In order to achieve reasonable pedestrian access for each residence three different sidewalks should be distinguished for use where applicable:
   1. Walkways within the residential properties to provide access to parking and refuse disposal;
   2. Local paths or sidewalks connecting dwelling units and serving immediate common services such as informal meeting places, tot lots, etc; and
   3. Walkways connecting residents with commercial and community facilities, schools and larger public recreational facilities.

D. Sidewalks that are used as common area paths shall be four feet in width. Where substantial bicycle traffic is anticipated, a bicycle lane shall be incorporated in the walkway system; such a combined system shall be at least six feet in width.

E. Curb cuts should be provided for users of wheel chairs, wagons, tricycles and bicycles.

F. Street crossings should occur at intersections, however, if the design of the street and/or location of pedestrian paths dictate the use of mid-intersection crossings, this may be done.

5) **Parking.**

A. All residential occupant and seventy-five percent (75%) of visitor parking shall be off-street. Remaining required space may be on-street. Spaces shall measure nine feet by eighteen feet each with aisles at least eighteen feet wide for one-way directional traffic and twenty-two feet wide for two-way traffic.

B. Parking and garages shall not be placed in the front yard.

D. Only visitor parking may overflow onto the street and only to the extent that it does not hinder traffic flow or sight distances for cars and pedestrians crossing the street.

E. All other requirements concerning the design and number of parking spaces shall be governed by Articles 1303 and 1309.

6) **Lighting.**

A. All off-street parking shall have lights that are adequate for night time use as well as be arranged so as to direct light away from adjoining residences.

B. All sidewalks and paths shall be lighted adequately.

C. All streets and areas of high pedestrian use shall be adequately lighted.

D. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

Locations Minimum	**Feet Above Grade**
Pedestrian walkways	12
Parking lots	15
Streets	25

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however, lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

Location	Residential Uses (Foot candles)
Roadways	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
Pedestrian Areas	
Sidewalks	0.2
Pedestrian ways or focus area	0.5

E. All exterior lights shall be LED or of the sodium type as opposed to the mercury vapor type.

7) **Underground utilities.**
Electric, cable television and telephone lines shall be placed underground in accordance with P.U.C. and utility company regulations.

8) **Storm water and erosion control.**
The development shall conform to the requirements of the City's Storm Water Management Ordinance.

9) **Open space**. The development plan shall designate the use of open space and a planting plan or schedule. In designating use, the following classes shall be used:
A. "Lawn" means a grass area with or without trees which shall be used by the residents for a variety of purposes.
B. "Natural Area" means an area of natural vegetation which may or may not include unusable land; such areas may contain walkways.
C. "Recreation Area" means an area designated for a specific recreation use including but not limited to tennis, swimming, shuffle board, playfields and tot lots.

10) **Neighborhood park.** There shall be one neighborhood park provided in a development plan. The size of the park shall be as required in the Subdivision and Land Development Plan. When deemed appropriate by City Council, a fee-in-lieu of may be paid to the City based on the criteria established in the Subdivision and Land Development Ordinance.

11) **Shelters**. There shall be one pavilion for each neighborhood park indicated in the development plan. In addition, one bus shelter shall be provided for public transit riders when it is determined that the development is within the service area of the public transit system.

12) **Building types**. Any of the following building types that may be proposed in a development plan shall be restricted to certain districts as indicated in Table II.

Table II

	Zoning Districts Permitted In					
Building Types	**RS2**	**UN1**	**UN2**	**MUI1**	**MUI2**	**CBD**
Single-family detached	X	X	X	X	X	X
Single-family detached	X	X	X	X	X	X
- lot line						
Single-family duplex	X	X	X	X	X	X
Multi-plex (single-family or multi-family)		X	X	X	X	X
Single-family townhouse		X	X	X	X	X
Garden apartment		X	X	X	X	X
Mid-rise 1-9 floors						X
Residential conversions	X	X	X	X	X	

13) **Building spacing requirement**. The following spacing requirements are intended to prevent monotony in development and apply to any of the types of units that may be proposed in a development plan:

TABLE III		
Building Types	Minimum Distance Between Structures (Feet)	Additional Requirements
Single-family detached	20	An easement for maintenance on the adjoining lots is required. Windows on the lot line side of the dwelling are prohibited.
Single-family duplex	20	No more than five units shall be attached in any group or groups shall average four units per structure
Multi-plex (single-family or multi-family)	20	
Single-family townhouse	20	Rows of attached dwelling units shall not exceed eight units.
Garden apartments	30	Not less than three units and no more than sixteen dwelling units in a single structure.
Mid-rise	50	
Residential conversions	None	None

14) **Lot area requirements**. Lot area requirements in all planned residential development applicable districts are waived for the purposes of this Planned Residential Development Ordinance.

15) **Setback from streets**. The following setback from the street line apply to the districts in which any of the building types are proposed in a development plan:

TABLE IV								
	Zoning Districts (Feet)							
Building Types	**RS2**	**UN1**	**UN2**	**MUI1**	**MUI2**	**CBD**	**EC**	**Single-Family**
Detached								
	Front	25	0	25	0	0	0	30
	Side	15	0	15	0	15	0	15
	Rear	0	0	0	0	0	0	0
Single-family detached-lot line								
	Front	25	0	25	0	0	0	0
	Side	0	0	0	0	0	0	0
	Rear	0	0	0	0	0	0	0
Duplex								
	Front	25	0	25	0	0	0	0
	Side	20	0	20	0	0	0	0
	Rear	0	0	0	0	0	0	0
Multi-plex								
	Front	25	0	25	0	0	0	0
	Side	20	0	20	0	0	0	0
	Rear	0	0	0	0	0	0	0
Townhouses								
	Front	25	0	25	0	0	0	0
	Side	30	0	30	0	0	0	0
	Rear	0	0	0	0	0	0	0
Garden apartments								
	Front	NA	50	NA	50	50	0	50
	Side	NA	50	NA	50	50	0	50
	Rear	NA	0	0	0	0	0	0

TABLE IV								
	Zoning Districts (Feet)							
Building Types	**RS2**	**UN1**	**UN2**	**MUI1**	**MUI1**	**CBD**	**EC**	**Single-Family**
Mid-rise								
	Front	NA	NA	NA	NA	NA	0	75
	Side	NA	NA	NA	NA	NA	0	150
	Rear	NA	NA	NA	NA	NA	0	0
Residential conversions - None								

NA means not applicable.

16) **Setback from parking areas**. The following setbacks from parking areas apply to the district in which any of the building types are proposed in a development plan.

TABLE V	
Building Types	**Minimum Distance from Parking Area (Feet)**
Multi-plex	0
Townhouses	0
Garden apartments	0
Mid-rise	0
Residential conversions	0

17) **Heights**. Structures may be erected to the following maximum heights:

Building Type	**Height of Structures (Feet)**
Single-family detached	40
Single-family detached-lot line	40
Single-family duplex	40
Multi-plex (single-family or multi-family)	40
Single-family townhouse	40
Garden apartment	50
Mid-rise	90
Residential conversions	None

*In the CDB District, height restrictions shall be waived.

18) **Screening**. Appropriate yards, fences or vegetative screening shall be provided in the planned residential development perimeter where needed to protect residents from undesirable views, lighting, noise or other off site influences, or to protect adjacent residential occupants of a neighborhood or general area from similar adverse effects.

19) **Planned residential development residential conversions**. Within vacant buildings to which this Ordinance is applicable, the minimum following habitable floor area per dwelling unit shall apply:

Bedrooms per Dwelling Unit	Minimum Floor Area (Square Feet)
1	400
2	550
3 or more	700

20) **Private outdoor livability space**. Each dwelling unit may have private outdoor living space which can be defined visually through the use of deciduous shade or evergreen screen trees, screen L-shaped sections of fence or through other landscaping elements. In the case where a development plan provides for garden apartments, balconies may be used to serve this purpose.

21) **Landscaping, screen plantings and vegetation**. Landscaping elements may include street or open space trees, screen plantings, shrubs, lawns, ornamental plantings or screen fences. These shall be utilized to the greatest extent possible in order to ensure and create privacy, while at the same time provide each dwelling unit's occupant freedom from the visual or noise intrusion of neighborhood dwelling units or areas.

22) **Relationship between Planned Residential Development, Zoning and Subdivision Ordinances**. All additional requirements not specifically mentioned in this Ordinance shall be regulated by the City's Zoning Ordinance and Subdivision and Land Development Ordinance.

d) **Public Interest**. In the case where the development standards of this Ordinance do not protect the public interests with regard to health, safety and welfare, Council shall impose additional standards upon the developer to insure compliance with the intent of this Ordinance as to correct inadequacies found herein.

e) **Development in Stages.** A developer may construct a planned residential development in stages if the following criteria are met:

1) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.

2) At least twenty percent (20%) of the dwelling units in the plan given tentative approval are included in the first stage.

3) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than twenty percent (20%) of the total dwelling units receiving tentative approval.

f) **Standards for Location and Management of Open Space.**

1) The open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. Where possible, it shall be designed as a contiguous area and be as close to all residences as possible, with green ways leading to recreation areas.

2) Any of the following methods shall be used to preserve, own or maintain open space: Condominium, homeowner's association, dedication in fee or the retention of responsibility for maintaining the open space by the developer.

3) The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of July 1980. All open space land shall be held as "common element." Such land shall not be eligible for sale to another part except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.

4) If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:

A. The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.

B. Membership in the organization is mandatory for all landowners and purchasers of homes therein and their successors.

C. The organization shall be responsible for the maintenance of and insurance and taxes on common open space.

D. The members of the organization shall share equitably the costs of maintaining and developing common open space in accordance with procedures established by them.

E. The organization shall have, hire, or contract adequate management and maintenance services to administer common facilities and maintain the common open space.

F. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan the City may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and such notice shall include a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of or hearing thereon which shall be held within fourteen days of the notice. At such hearing the City may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within such thirty days or any extension thereof, the City, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter

upon such common open space and maintain the same for a period of one year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of such year, the City shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the development, to be held by the City, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the City shall not, at the election of the City continue for a succeeding year. If the City shall determine that such organization is ready and able to maintain such common open space in reasonable condition, the City shall cease to maintain such common open space at the end of such year. If the City shall determine such organization is not ready and able to maintain such common open space in a reasonable condition, the City may, in its discretion, continue to maintain such common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the City in any such case shall constitute a final administrative decision subject to judicial review. The cost of such maintenance by the City shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a tax lien on such properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when such mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to such foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on the property subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The City, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of York County, upon the properties affected by such lien within the development.

5) In accordance with Section 706 of Act 247, the provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space; and the intensity of use or the density of residential units, shall run in favor of the City and shall be enforceable in law or equity by the City without limitation on any powers of regulation otherwise granted the City by law. The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by residents of the development and the manner in which such residents may modify or release such rights.

6) The City may, but shall not be required to, accept any portion or portions of the common open space, as provided; such land is freely accessible to the public; there is not a cost to the City involved; and the City agrees to and has access to maintain such lands.

7) The final form of preservation of common open space available is the developer's option to retain ownership and maintain such open space.

1310.04 PROCEDURES.

a) **Approval Process**

Pursuant to Article VII of the Municipalities Planning Code, Act 247 the following constitutes the process for approval of a planned residential development:

1) The Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan.
2) The York County Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan. The County shall have thirty days after receipt of such plan to review and report to the City or forfeit the right of review. The County review is not binding on the City or the developer.
3) Council, within sixty days after the filing of an application for tentative approval of a planned residential development, shall hold a public hearing. Thirty days after the conclusion of the public hearing, the landowner shall be notified of the outcome concerning the tentative development plan.
4) If tentative approval without conditions is received, Council may grant final approval thirty days after the final development plan has been filed.

b) **Application for Tentative Approval of Planned Residential Development.**

In order to providean expeditious method for processing a development plan for a planned residential development under theprovisions adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which wouldarise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision aswell as approval of a change in the zoning regulations otherwise applicable to the property, it is herebydeclared to be in the public interest that all procedures with respect to the approval or disapproval of a developmentplan for a planned residential development and the continuing administration thereof shall be consistentwith the following provisions:

1) An application for tentative approval of the development plan for a planned residential developmentshall be filed by or on behalf of the landowner.
2) The application for tentative approval shall be filed by the landowner in such form, upon the paymentof such a reasonable fee and with the planning staff of the City.
3) All planning, zoning and subdivision matters relating to the platting, use and development of theplanned residential development and subsequent modifications of the regulations relating thereto, to theextent such modification is vested in the City, shall be determined and established by City Council.
4) The provisions shall require only such information in the application as is reasonably necessary todisclose to the City:
   A) The location, size and topography of the site and the nature of the landowner's interest in theland proposed to be developed;
   B) The density of land use to be allocated to parts of the site to be developed;
   C) The location and size of the common open space and the form of organization proposed to ownand maintain the common open space;
   D) The use and the approximate height, bulk and location of buildings and other structures;
   E) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater;
   F) The substance of covenants, grants of easements or other restrictions proposed to beimposed upon the use of the land, buildings and structures including proposed easements orgrants for public utilities;
   G) The provisions for parking of vehicles and the location and width of proposed streets and public ways;
   H) The required modifications in the municipal land use regulations otherwise applicable to the subject property;
   I) The feasibility of proposals for energy conservation and the effective utilization of renewableenergy sources; and
   J) In the case of development plans which call for development over a period of years, a scheduleshowing the proposed times within which applications for final approval of all sections of theplanned residential development are intended to be filed and this schedule must be updatedannually, on the anniversary of its approval, until the development is completed and accepted.

5) The application for tentative approval of a planned residential development shall include awritten statement by the landowner setting forth the reasons why, in his opinion, a plannedresidential development would be in the public interest and would be consistent with thecomprehensive plan for the development of the City.

6) The application for and tentative and final approval of a development plan for a planned residentialdevelopment prescribed in this article shall be in lieu of all other procedures or approvals,otherwise required pursuant to Articles V and VI Of the Municipalities Planning Code.

c) **Public Hearings.**

1) Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this article, a public hearing pursuant to public notice on said application shall be held by City Council, in the manner prescribed for hearings before the Zoning Hearing Board.

2) City Council may continue the hearing from time to time, and where applicable,may refer the matter back to the planning agency for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

3) The City may offer a mediation option as an aid in completing proceedings authorized by thissection and by subsequent sections in this article prior to final approval by City Council. In exercisingsuch an option, the City and mediating parties shall meet the stipulations and follow the procedures setforth in Article IX of the Municipalities Planning Code.

d) **The Findings.**

1) City Council, within 60 days following the conclusion of the public hearing provided for in this article or within 180 days after the date of filing of the application, whichever occurs first shall, by official written communication, to the landowner, either:

A) Grant tentative approval of the development plan as submitted;
B) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
C) Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the land owner may, within 30 days after receiving a copy of the official written communication of City Council notify City Council of his refusal to accept all said conditions, in which case, City Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify City Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

2) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

A) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the City;

B) The extent to which the development plan departs from zoning and subdivision regulations otherwiseapplicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

C) The purpose, location and amount of the common open space in the planned residential development,the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to theproposed density and type of residential development;

D) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

E) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

F) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

G) In the event a development plan is granted tentative approval, with or without conditions, City Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

e) **Status of Plan After Tentative Approval.**

1) The official written communication provided for in this article shall be certified by the City Clerk and shall be filed in his/her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map.

2) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the City pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify City Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to City ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.

f) Application for Final Approval.

1) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the City Planner within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the City shall, within 45 days from the date of the regular meeting of City Council or the Planning Commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.

3) In the event the development plan as submitted contains variations from the development plan given tentative approval, City Council may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of City Council or the planning agency, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

A) Refile his application for final approval without the variations objected; or

B) File a written request with City Council that it hold a public hearing on the applicationfor final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval.Within 30 days after the conclusion of the hearing, City Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article. Failure of City Council to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

4) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by City Council and shall be filed of record forthwith in the York County Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in section 508 of the Municipalities Planning Code, said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of section 513(a) of the Municipalities Planning Code and post financial security in accordance with section 509 of the Municipalities Planning Code.

5) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify City Council in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in section 508 of the Municipalities Planning Code after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to the municipal zoning ordinance in the manner prescribed for such amendments in this ordinance and Article VI of the Municipalities Planning Code.

g) **Jurisdiction**. District justices shall have initial jurisdiction over proceedings brought under this Article.

h) **Enforcement Remedies.**

1) Any person, partnership or corporation, who or which has violated the planned residential development provisions of any ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. Nojudgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the appropriate rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of planned residential development provisions shall be paid over to the City.

2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

1310.05 ADMINISTRATION AND REVIEW.

a) **Enforcement and Modification of Provisions of the Plan.** To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

1) The provisions of the development plan relating to:
   A) The use, bulk and location of buildings and structures;
   B) The quantity and location of common open space, except as otherwise provided in this article; and
   C) The intensity of use or the density of residential units; shall run in favor of the City and shall be enforceable in law or in equity by the City, without limitation on any powers of regulation otherwise granted the City by law.

2) All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

3) All those provisions of the development plan authorized to be enforced by the City under this section may be modified, removed, or released by the City, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
   A) No such modification, removal or release of the provisions of the development plan by the City shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this section.

B) No modification, removal or release of the provisions of the development plan by the City shall be permitted except upon a finding by City Council, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

4) Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the City to enforce the provisions of the development plan in accordance with the provisions of this section.

b) **Administration and Review**

1) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning Officer.
2) Upon application of the landowner showing compliance with the requirement of final approval, the Zoning Officer shall issue permits for construction, pursuant to the plan, or any section thereof.
3) The Zoning Officer shall review the progress and status and construction of the plan and render monthly reports thereon to Council in order to assure compliance with the provisions of this Ordinance and the conditions of final approval.

ARTICLE 1311
Zoning Hearing Board and Administrative Procedures

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1311.01 GENERAL PROVISIONS.

a) **PURPOSE** - A Zoning Hearing Board is established in order that the objectives of this Zoning Ordinance may be fully and equitably achieved, and a means for competent interpretation of this zoning ordinance is provided.

b) **FUNDS FOR OPERATION** - Council shall appropriate funds for the operation of the Zoning Hearing Board and for administration, enforcement, and actions to support or oppose, upon appeal to the courts, decisions of the Board.

c) **FEES** - Council shall prescribe reasonable fees for the administration and enforcement of the zoning ordinance except that these fees shall not include Board expensed in subsection (b).

1311.02 MEMBERSHIP OF BOARD.

a) The membership of the Board shall consist of five (5) residents of the City of York appointed by resolution of City Council. The terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five (5)-member Board shall expire each year. The board shall promptly notify Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the City of York nor shall any member be an employee of the City of York.

b) City Council may appoint by resolution at least one (1) but no more than three (3) residents of the City of York to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the City of York, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the City of York. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to this ordinance unless designated as a voting alternate member pursuant to this Ordinance.

1311.03 REMOVAL OF MEMBERS.

a) Any Board Member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of City Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1311.04 ORGANIZATION OF BOARD.

a) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

b) The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the board as may be needed to reach a quorum. Any alternate member of the board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this Section shall be made on a case by case basis in rotation according to declining seniority among all alternates.

c) The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the City of York and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the City of York, and shall submit a report of its activities to City Council when requested.

1311.05 EXPENDITURES OF SERVICES.

a) Within the limits of funds appropriated by City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by City Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Council. Alternate members of the Board may receive compensation, as may be fixed by City Council, for the performance of their duties when designated as alternate members pursuant to this Ordinance, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Council.

1311.06 HEARINGS.

a) The Board shall conduct hearings and make decisions in accordance with the following requirements:

1) Public notice shall be given and written notice shall be given to the applicant and the Zoning Officer, and such other persons as Council shall designate by ordinance, and to any person who has made timely request for the same.

Public Notice shall include, at a minimum, the following:

A. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

B. Written notice of said hearing shall be conspicuously posted on the affected parcel of land at least one (1) week prior to the hearing.

C. Written notice shall be mailed or delivered to the owner of every parcel within one hundred (100) feet of the parcel in question.

2) City Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3) The first hearing before the Board or Hearing Officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one-hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one-hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one-hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

b) The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, of the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the City of York, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

c) The parties to the hearing shall be the City of York, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

d) The Chairman or acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

e) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence, and argument and cross-examine adverse witnesses on all relevant issues.

f) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

g) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

h) The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

i) The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under this Section of this Ordinance, where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

j) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings, and a statement of the place at which the full decision or findings may be examined.

1311.07 MEDIATION.

a) Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

b) Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
   1) Funding mediation.
   2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
   3) Completing mediation, including time limits for such completion.
   4) Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
   5) Identifying all parties and affording them the opportunity to participate.
   6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
   7) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other sections of this Act.

c) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

1311.08 JURISDICTION.

a) The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
   1) Substantive challenges to the validity of any land use ordinance, except those brought before the council as curative amendments.
   2) Challenges to the validity of a Land Use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4) Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
5) Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to this Ordinance.
6) Applications for special exceptions under the Zoning Ordinance or floodplain or Flood Hazard Ordinance or such provisions within a land use ordinance, pursuant to this Ordinance.
7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
8) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code "Procedure to Obtain Preliminary Opinion."
9) Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any Land Use Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision, land development, or planned residential developments.

1311.09 APPLICABILITY OF JUDICIAL REMEDIES.

a) Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

1311.10 ZONING HEARING BOARD'S FUNCTIONS - VARIANCES.

a) The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer.

b) No application for a permit shall be granted by the Board for any variance until the Board has first received and considered an advisory report thereon from the Planning Commission. The Commission shall have a maximum of thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Commission fails to file its report within such thirty (30) days, the application shall be forwarded to the Zoning Hearing Board without a recommendation by the Commission. After receipt of the report, the Board shall hear the application in the same manner and under the same procedure as it is empowered by law and this Zoning Ordinance. In no case shall the application be delayed pending Planning Commission review and all hearings before the Zoning Hearing Board shall be held in a timely manner as prescribed by this ordinance and the Pennsylvania Municipalities Planning Code.

c) The Board's decision to grant a permit for a variance shall be made only after public notice and hearing. Such permit shall apply specifically to the appeal and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Board.

d) The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
   1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or District in which the property is located.
   2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
   3) That such unnecessary hardship has not been created by the appellant.
   4) That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
   5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

e) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.

1311.11 ZONING HEARING BOARD'S FUNCTIONS - SPECIAL EXCEPTIONS.
Where the Zoning Ordinance has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.

a) **APPLICABILITY OF SPECIAL EXCEPTIONS**- The Board's decision to grant a permit for a special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Board as a special exception use.

b) **ADVISEMENT FROM THE PLANNING COMMISSION** - No application for a permit shall be granted by the Board for any special exception use until the Board has first received and considered an advisory report thereon from the Planning Commission regarding the location of such use in relation to the needs and growth pattern of the area and, where appropriate, referencing the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street truck loading spaces, and other pertinent features of the site plan. The Commission shall have a maximum of thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Commission fails to file its report within such thirty (30) days, the application shall be forwarded to the Zoning Hearing Board without a recommendation by the Commission. After receipt of the report, the Board shall hear the application in the same manner and under the same procedure as it is empowered by law and this Zoning Ordinance. In no case shall the application be delayed pending Planning Commission review and all hearings before the Zoning Hearing Board shall be held in a timely manner as prescribed by this ordinance and the Pennsylvania Municipalities Planning Code. This section shall not apply to applications for special exceptions which are to be heard by a Zoning Hearing Officer, in lieu of the entire Zoning Hearing Board.

c) **SPECIAL EXCEPTION GENERAL PROVISIONS** - The Board may thereafter authorize the Zoning Officer to issue a zoning permit if, in its judgment, the use meets all specific standards and criteria contained in this Ordinance and the following general provisions:

1) **PURPOSE** - The intended purpose of this proposed use shall be consistent with the City's development objectives established in the Comprehensive Plan and/or any redevelopment plans.
2) **COMPATIBILITY** - The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed as to its relationship to, and effect on, surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.
3) **SUITABILITY** - The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy, of space and traffic generation.
4) **SERVICEABILITY** -Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the City to supply such services.
5) **ACCESSIBILITY** - The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking and accessibility to the existing or proposed City street system.
6) **CONFORMITY** - The proposed use shall be in conformance with all application requirements of this Zoning Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.
7) **CONGESTION** - The proposed use shall not substantially increase traffic congestion.

8) **PUBLIC SAFETY** - The proposed use shall not increase the danger of fire or otherwise endanger public safety.
9) **OVERCROWDING** - The proposed use shall not overcrowd the land or create an undue concentration of population.
10) **LIGHT & AIR** - The proposed use shall not impair an adequate supply of light and/or air to an adjacent property.
11) **IMPACT** - The proposed use shall not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.
12) **FLOODPLAIN** - For special exception applications located within the one-hundred (100)-year floodplain, the provisions of the City of York Floodplain Management Ordinance shall also be considered.

d) **ATTACHMENT OF CONDITIONS** - In granting a special exception, the Board may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to ensure that any proposed development shall secure substantially the purposes of this Zoning Ordinance.

1311.12 ZONING HEARING BOARD'S FUNCTIONS - DETERMINATION APPEALS.

a) Appeals from any determinations of the Zoning Officer and/or the City Engineer, as permitted by this Ordinance or the Pennsylvania Municipalities Planning Code shall be filed in writing with the City of York on a form provided by the City of York within thirty (30) days of such determination, specifying the grounds thereof.

1311.13 CITY COUNCIL FUNCTIONS - CONDITIONAL USES.

a) Where the Zoning Ordinances has stated conditional uses are to be granted or denied by the City Council pursuant to express standards and criteria, City Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by, or City Council may appoint, any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, of the findings shall be made by City Council; however, the appellant or the applicant, as the case may be, in addition to City Council, may, prior to the decision of the hearing, waive decision or findings by City Council and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, City Council may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Act in the Zoning Ordinance.
1) City Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before City Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

2) Where City Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing, or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the City Council to meet or render a decision as hereinabove provided, City Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If City Council shall fail to provide such notice, the applicant may do so.

3) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

b) The following shall apply to requests for conditional use approvals:

1) **PROCEDURE** - Upon application, City Council shall hear requests for conditional use applications where the provisions of this Zoning Ordinance allow such review. The City Council shall prescribe the form of application and require preliminary application to the Zoning Officer.

2) **ADVERTISEMENT FROM PLANNING COMMISSION** - No application for a permit shall be granted by the City Council for any application until the City Council has first received and considered a recommendation thereon from the Planning Commission. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. If the Planning Commission fails to file its report within such thirty (30) days, the application shall be forwarded to City Council without a recommendation by the Commission.

3) **APPLICABILITY** - City Council's decision to grant a permit for a conditional use shall be made only after public notice and hearing. The City shall mail or deliver notice to the owner of every lot fronting on the same street within one-hundred (100) feet of the lot or the building in question. Such permit shall apply specifically to the appeal and plans submitted and presented at the public hearing. Any subsequent amendments or additions shall be subject to additional review and public hearing by the Council.

4) **GENERAL PROVISIONS** -Conditional use general provisions shall be the same as follows:

1. **PURPOSE** - The intended purpose of this proposed use shall be consistent with the City's development objectives established in the Comprehensive Plan and/or any redevelopment plans.
2. **COMPATIBILITY** - The proposed use shall be in the best interest of properties in the general area as well as the community at large. The proposed use shall be reviewed as to its relationship to, and effect on, surrounding land uses and existing environmental conditions regarding the pollution of air, land and water, noise, potential of hazards and congestion, illumination and glare, restrictions to natural light and circulation of air.

3. **SUITABILITY** - The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy, of space and traffic generation.
4. **SERVICEABILITY** -Assurance shall be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water, trash and garbage collection and disposal, and the ability of the City to supply such services.
5. **ACCESSIBILITY** - The proposed use shall provide adequate ingress and egress, interior circulation of both pedestrians and vehicles, off-street parking and accessibility to the existing or proposed City street system.
6. **CONFORMITY** - The proposed use shall be in conformance with all application requirements of this Zoning Ordinance and where applicable in accordance with the Subdivision and Land Development Ordinance.
7. **CONGESTION** - The proposed use shall not substantially increase traffic congestion.
8. **PUBLIC SAFETY** - The proposed use shall not increase the danger of fire or otherwise endanger public safety.
9. **OVERCROWDING** - The proposed use shall not overcrowd the land or create an undue concentration of population.
10. **LIGHT & AIR** - The proposed use shall not impair an adequate supply of light and air to an adjacent property.
11. **IMPACT** - The proposed use shall not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.
12. **FLOODPLAIN** - For special exception applications located within the one-hundred (100)-year floodplain, the provisions of the City of York Floodplain Management Ordinance shall also be considered.
13. **ATTACHMENT OF CONDITIONS** - In granting a conditional use, the Council may attach whatever reasonable conditions and safeguards, in addition to those expressed in this Ordinance, it deems necessary to insure that any proposed development shall secure substantially the purposes of this Zoning Ordinance.

1311.14 PARTIES APPELLANT BEFORE THE BOARD.

a) Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

1311.15 TIME LIMITATIONS.

a) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to this Ordinance or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map pursuant to this Ordinance shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

b) All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

1311.16 STAY OF PROCEEDINGS.

a) Upon filing of any proceeding referred to in this Ordinance and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

b) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellant, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

c) The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

d) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

1311.17 VALIDITY OF ORDINANCE - SUBSTANTIVE QUESTIONS.

a) A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit the challenge to either the Zoning Hearing Board or Council in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code.

b) Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds, shall first submit their challenge to the Zoning Hearing Board for a decision thereon.

c) The submissions referred to in subsections (a) and (b) shall be governed by the following:

1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under this Ordinance, his application to City Council shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

2) If the submission is made by the landowner to City Council, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

3) If the submission is made to City Council, the municipal solicitor shall represent and advise it at the hearing or hearings referred to in Section 909.1(b)(4) of the Municipalities Planning Code.

4) City Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.

5) Based upon the testimony presented at the hearing or hearings, City Council or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by City Council is found to have merit, City Council shall proceed as provided in Section 609.1 of the Municipalities Planning Code. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

6) City Council or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.

7) If City Council or the Zoning Board, as the case may be, fails to act on the landowner's request within the time limits referred to above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

d) The Zoning Hearing Board or City Council, as the case may be, shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.

e) Public notice of the hearing shall include notice that the validity of the ordinance or map is in question, and shall give the place and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

f) The challenge shall be deemed denied when:

1) The Zoning Hearing Board or Council, as the case may be, fails to commence the hearing within the time limits set forth in subsection (d);

2) Council notifies the landowner that it will not adopt the curative amendment;

3) Council adopts another curative amendment which is unacceptable to the landowner; or

4) The Zoning Hearing Board or Council, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.

g) Where, after the effective date of this Act, a curative amendment proposal is approved by the grant of a curative amendment application by City Council pursuant to Section 909.1(b)(4) of the Municipalities Planning Code or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 909.1(a)(1) of the Municipalities Planning Code or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Municipalities Planning Code. Within the two (2)-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one (1)-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

h) A landowner who has challenged on substantive grounds the validity of a Zoning Ordinance or map either by submission of a curative amendment to City Council or the Zoning Hearing Board shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however, that if after the date of the landowner's original challenge, the City of York adopts a substantially new or different Zoning Ordinance or zoning map, the landowner may file a second substantive challenge to the new or different Zoning Ordinance or zoning map under subsection (a).

1311.18 PROCEDURES TO OBTAIN PRELIMINARY OPINION.

a) In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run by the following procedure:

1) The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.

2) If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the City of York. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

1311.19 APPLICABILITY OF ORDINANCE AMENDMENTS.

a) When an application for either a special exception or a conditional use has been filed with either the Zoning Hearing Board or City Council, as relevant, and the subject matter of such application would ultimately constitute either a land development as defined in Section 107 of the Municipalities Planning Code or a subdivision as defined in Section 107 of the Pennsylvania Municipalities Planning Code, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, provided, further, should such an application be approved by either the Zoning Hearing Board or City Council, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by either the Zoning Hearing Board or City Council following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or City Council, as relevant. If either a Land Development or Subdivision Plan is so filed within said period, such plan shall be subject to the provisions of Section 508(1) through (4) of the Pennsylvania Municipalities Planning Code, and specifically to the time limitations of Section 508(4) of the Pennsylvania Municipalities Planning Code which shall commence as of the date of filing such Land Development or Subdivision Plan.

ARTICLE 1312
Administration

1312.01 Permits.
1312.02 Use certificates.
1312.03 Temporary permits.
1312.04 Status of subdivision or land development plan.
1312.05 Lots of record.
1312.06 Buildings under construction.
1312.07 Division of built-on lots.
1312.08 Zoning Officer powers and duties.
1312.09 Repealer.
1312.10 Remedies.
1312.11 Erroneous permit.
1312.12 Zoning Ordinance amendments.
1312.13 Landowner curative amendment.
1312.14 Municipal curative amendment.
1312.15 Publication, advertisement and availability of ordinance.
1312.16 Fees.
1312.17 Exemptions.
1312.18 Penalty.

1312.01 PERMITS.

a) **PERMIT TYPES**

1) **Zoning**: Permits for all land use activities, whether or not regulated by the Pennsylvania Uniform Construction Code. Zoning permits are issued by the Zoning Officer.

2) **Building**: Permits for construction projects as defined and regulated by the Pennsylvania Uniform Construction Code. Building permits are issued by the Building Code Official.

b) **CONDITIONS FOR PERMITS** -No person shall construct, grade, enlarge, alter, remove or demolish a building or structure or change the use or occupancy of a building or land or make any of the modifications until it has been determined that all provisions of the Zoning Ordinance, Subdivision and Land Development Ordinance, and all other applicable ordinances have been complied with and a zoning permit has been approved and issued by the Zoning Officer.

c) **PERMIT APPLICATIONS** - All applications for zoning and building permits shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:

1) All plans and data required by the Pennsylvania Uniform Construction Code and, when applicable, all plans and data required by the Zoning Ordinance and/or Subdivision and Land Development Ordinance;
2) A general description of the proposed work, its location, and the use and occupancy of all parts of all buildings, structures and lots;
3) Elevation drawings for all exterior work;
4) A plot diagram showing to scale the location, dimensions, and height of proposed structures or uses, and any existing buildings in relation to the property and street lines;
5) At least two (2) copies of building specifications and plans;
6) The number, location and design of parking and loading spaces, if applicable; and
7) Engineering details and any other information deemed necessary and specifically required by the Zoning Officer. Proposed actions entirely or partially within the floodplain shall consider the requirements of applicable floodplain provisions of this Ordinance, and all other ordinances and statutes.

d) **PERMIT APPROVAL**

1) **PERMIT APPROVAL OR REJECTION** - If the specifications set forth by the applicant in his application for a permit are in conformity with the provisions of this Zoning Ordinance and all other applicable statutes, the Zoning Officer shall either:

A. If a building permit is required by the Pennsylvania Uniform Construction Code, as adopted by the City of York, then the Zoning Officer shall indicate to the Building Code Official that the application is consistent with the Zoning Ordinance, and Subdivision and Land Development Ordinance. The Zoning Officer shall attach his signature to all applications authorizing the approval of the issuance of a zoning permit upon approval and issuance of a building permit.

B. If a construction permit is not required by the Pennsylvania Uniform Construction Code, as adopted by the City of York, then the Zoning Officer shall approve the application if it is consistent with the Zoning Ordinance, and Subdivision and Land Development Ordinance. The Zoning Officer shall attach his signature to all applications and approve the issuance of a zoning permit.

C. If the application is not consistent with the Zoning Ordinance, then the Zoning Officer shall deny the application. The denial shall be sent in writing to the applicant, with a copy being sent to the Building Code Official, and shall cite the section of the Zoning Ordinance for which the application is not in compliance with. The denial shall advise the applicant of his/her right to appeal the denial, in accordance with the applicable sections of the Zoning Ordinance. The denial of a zoning permit shall be grounds for the denial of a building permit, when a building permit is also required for such proposed work.

2) **PERMITS ISSUED IN VIOLATION OF ORDINANCE PROVISIONS** - Except on written order of the Zoning Hearing Board authorizing a variance, no permit shall be issued in violation of any of the provisions of this Zoning Ordinance. Any permit issued in error shall in no case be construed as waiving any provisions of this Zoning Ordinance.

e) **PERMIT TERM AND REVOCATION**

1) **PERMIT TERM** - An application for a zoning permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless work in connection with such application had been diligently prosecuted or a certificate of use and occupancy has been issued. For reasonable cause, the Zoning Officer may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days. For permits requiring compliance with the Pennsylvania Uniform Construction Code, the Building Code Official must also grant an extension in order for the extension to be valid.

2) **REVOCATION** - The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. In the event a zoning permit is revoked, the Building Code Official shall be advised and any and all building permits for the project shall also be revoked.

f) **POSTING PERMIT** - A true copy of the zoning permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of work and until the completion of the same.

g) **PERMIT INVOLVING LAND DEVELOPMENT** - Any owner seeking a zoning permit for any building or use falling within the definition of land development as contained in the Subdivision and Land Development Ordinance, shall make application in writing to the Zoning Officer for such permit. The application shall be processed in accordance with any applicable procedures contained therein prior to disposition by the Zoning Officer.

h) **CHANGES TO PERMIT APPLICATION** - After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer and Building Code Official. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

1312.02 USE CERTIFICATES.

a) **CERTIFICATE OF USE AND OCCUPANCY REQUIRED** - No land or buildings shall be occupied by a principal use or changed from one principal use to another, and no building hereafter erected, constructed, altered, or extended shall be occupied until a certificate of use and occupancy has been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of the Zoning Ordinance, and Land Development and Subdivision Ordinance. For activities requiring a certificate of use and occupancy from the Building Code Official, in compliance with the Pennsylvania Uniform Construction Code, a single certificate of use and occupancy may be issued with the signatures of both the Zoning Officer and the Building Code Official. For any project for which a zoning permit and a building permit are required, use and occupancy of the property, or portion thereof, are not permitted without a certificate of occupancy bearing the signature of the Zoning Officer and Building Code Official, or two separate certificates of use and occupancy, with one bearing the signature of the Zoning Officer and one bearing the signature of the Building Code Official.

b) **CERTIFICATE APPROVAL**

1) **PERMIT REQUIRED** - No certificate of occupancy shall be issued by the Building Code Official under the provisions of the Pennsylvania Uniform Construction Code adopted in the Codified Ordinances until it has been determined that all applicable provisions of the Zoning Ordinance have been complied with.

2) **PERMIT APPROVAL OR REJECTION, TIME LIMIT** - The application for a certificate of occupancy shall be retained by the Zoning Officer until such time as the building in question has been approved as complying with the provisions of this Zoning Ordinance. Such certificates shall be granted, or refused or forwarded to the Building Code Official within five (5) days after the Zoning Officer has been notified of the completion of the authorized construction or alteration or, where no construction or alteration is involved, within ten (10) days after receipt of written application thereof.

c) **CERTIFICATE APPLICATION** - All applications for certificates of use and occupancy shall be made in writing by the owner or authorized agent on forms supplied by the Zoning Officer, setting forth information and data the Zoning Officer may require. If a joint certificate of use and occupancy is used, then the application shall also set forth information and data as required by the Building Code Official in accordance with the Pennsylvania Uniform Construction Code.

d) **CERTIFICATE EXPIRATION** - A certificate of use and occupancy shall become void ninety (90) days from the date of issuance unless occupancy, use or change of use is commenced.

e) **FEES** - Each applicant shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of Council.

1312.03 TEMPORARY PERMITS.

a) **TEMPORARY PERMIT FOR A NONCONFORMING USE OR STRUCTURE** - A temporary permit may be authorized by the Zoning Officer for a nonconforming structure or use which is deemed to be beneficial to the public health or general welfare or which is deemed to be necessary to promote the proper development of the community, provided such nonconforming structure or use shall be completely removed by the expiration date of the permit without cost to the City. Such permits shall be issued for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years. In the case of activities required to be permitted by the Pennsylvania Uniform Construction Code, the Building Code Official's consent is required for the issuance of a temporary permit for a nonconforming use or structure.

1312.04 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN.

a) **CHANGES TO THE ORDINANCES** - From the time an application for approval of a Subdivision or Land Development Plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, where a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided, however, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

b) **CHANGES TO ORDINANCE, COMMENCEMENT OF DEVELOPMENT** - When a preliminary or final Subdivision or Land Development Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or Plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5)-year period shall be counted from the date of preliminary approval.

1312.05 LOTS OF RECORD.

a) For a lot held in single and separate ownership legally subdivided on the effective date of this Zoning Ordinance or any amendment thereto, and which does not fulfill the regulations for the minimum lot area and/or lot width for the Zoning District in which it is located, a building may be erected, altered and used on the lot, and the lot may be used for a conforming or permitted use providing the setback requirements are not less than the minimum specified herein for the Zoning District in which the lot is located.

1312.06 BUILDINGS UNDER CONSTRUCTION.

a) If the construction is completed by one (1) year after the effective date of this Zoning Ordinance, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

1312.07 DIVISION OF BUILT-ON LOTS.

a) No lot may be formed from part of a lot occupied by a building unless each newly created lot shall meet all of the applicable provisions of this Zoning Ordinance.

1312.08 ZONING OFFICER POWERS AND DUTIES.

a) **APPOINTMENT, POWERS AND DUTIES** - The provisions of this Zoning Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Mayor after meeting the qualifications established by the City for the Zoning Officer and successfully demonstrating a working knowledge of municipal zoning. The Zoning Officer shall not hold elective office in the City.

1) The Zoning Officer shall: receive all applications for zoning permits and issue permits when there is compliance with the provisions of this Zoning Ordinance, other City ordinances and laws of the Commonwealth of Pennsylvania;
2) Inspect the lands and buildings built or altered under this Zoning Ordinance to insure that they comply with the provisions of this Zoning Ordinance, and upon satisfactory completion of inspection, issue an occupancy permit;
3) Receive applications for special exceptions and refer these applications to the Zoning Hearing Board for action thereon;
4) Following refusal of a zoning permit, receive any appeals from alleged errors of the Zoning Officer and any appeals for variances from the terms of this Zoning Ordinance and forward these to the Board for action thereon;
5) Conduct investigations to determine compliance or noncompliance with the terms of this Zoning Ordinance;
6) Order, in writing, correction of all conditions found to be in violation of the provisions of this Zoning Ordinance. Such written orders shall be served personally or by registered mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Zoning Ordinance;
7) Institute, in coordination with the Mayor, proceedings in courts of proper jurisdiction for the enforcement of this Zoning Ordinance;
8) Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to all conditions attached thereto;
9) Maintain a map or maps showing the current zoning classification of all land in the City;
10) Identify and register nonconforming structures, lots and uses together with the reasons why they were identified as nonconforming;

11) Upon the request of the Mayor, Council, Planning Commission, Zoning Hearing Board or City department heads, present to such body facts, records or any similar information to assist such individuals or bodies in reaching a decision;

12) In cases where local government action in the form of condemnation, urban renewal activities and other City directed physical changes (i.e., street changes) causes a special exception or variance request, the Zoning Officer shall have the right to waive zoning fees.

b) **LIMITS OF AUTHORITY** -The Zoning Officer shall have the authority to issue zoning permits only for construction and uses that are in accordance with the requirements of this Zoning Ordinance. Construction and uses that require special exception or variance shall be issued zoning permits only on order of the Zoning Hearing Board. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement while acting within the scope of employment as a Zoning Officer.

1312.09 REPEALER.

a) Bill No. 23, Ordinance No. 29, Session 1995, passed December 19, 1995, and entitled "The City of York Zoning Ordinance of 1995" and all amendments thereto, are hereby repealed. However, if this Zoning Ordinance is held to be ineffective or invalid by reason of an irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid; then, and in that event, the Zoning Ordinance of 1995, as amended, shall remain in full force and effect.

b) All other City ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this Zoning Ordinance.

1312.10 REMEDIES.

a) **CAUSES OF ACTION** - In any case where any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance or any duly enacted amendment thereof, the Zoning Officer or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the City. No action may be maintained until such notice has been given. When such action is instituted by the City, the action of the Zoning Officer may institute civil enforcement proceedings as a means of enforcement.

b) **VIOLATION AND ENFORCEMENT** - When it appears that a violation of the Zoning Ordinance has occurred, the City shall initiate enforcement proceedings as follows:

1) **NOTICE** - An enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;

2) **NOTICE INFORMATION** - The enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the City intends to take action;

B. The location of the property in violation;

C. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance;

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

E. That the recipient has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of this notice in accordance with procedures set forth in this ordinance; and

F. That failure to file an appeal and request a hearing before the Zoning Hearing Board will result in a deemed binding determination that a violation exists, as stated within the enforcement notice.

G. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

H. That failure to comply with the notice within the time specified, unless extended by appeal to the Board, constitutes a violation with possible sanctions as stated in this Ordinance.

1312.11 ERRONEOUS PERMIT.

a) **ERRONEOUS PERMIT** - A permit or authorization issued or approved in violation of the provisions of this Zoning Ordinance is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the City to validate such a violation.

1312.12 ZONING ORDINANCE AMENDMENTS.

a) Before voting on the enactment of an amendment, City Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

1) In addition to the requirement that notice be posted under clause (a), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

b) In the case of an amendment other than that prepared by the Planning Commission, City Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

c) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, City Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

d) At least thirty (30) days prior to the public hearing on the amendment by City Council, the City shall submit the proposed amendment to the York County Planning Commission for recommendations.

e) The municipality may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.

f) Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the York County Planning Commission.

1312.13 LANDOWNER CURATIVE AMENDMENT.

a) A landowner who desires to challenge on substantive grounds the validity of a Zoning Ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1. City Council shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1 of the MPC. The curative amendment and challenge shall be referred to the planning agency or agencies as provided in Section 609 of the MPC and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the MPC.

b) The hearing shall be conducted in accordance with Section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to City Council, provided, however, that the provisions of Section 908 (1.2) and (9) of the MPC shall not apply and the provisions of Section 916.1 of the MPC shall control. If a municipality does not accept a landowner's curative amendment brought in accordance with this subsection, and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Zoning Ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

c) When City Council has determined that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. City Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
   1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
   2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to, and affordable by, classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
   3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
   4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
   5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

1312.14 MUNICIPAL CURATIVE AMENDMENT.

If a municipality determines that its Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

a) A municipality shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal City Council shall:
   1) By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
      A. References to specific uses which are either not permitted or not permitted in sufficient quantity;
      B. Reference to a class of use or uses which require revision; or
      C. Reference to the entire ordinance which requires revisions.
   2) Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

b) Within one-hundred eighty (180) days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Section 609 of the MPC in order to cure the declared invalidity of the Zoning Ordinance.

c) Upon the initiation of the procedures, as set forth in clause (1), City Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (1)(a). Upon completion of the procedures as set forth in clauses (1) and (2), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

d) A municipality having utilized the procedures as set forth in clauses (1) and (2) may not again utilize said procedure for a thirty-six (36)-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to clause (2), provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

1312.15 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE.

a) Proposed Zoning Ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. City Council shall publish the proposed ordinance or amendment once in one (1) newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

3) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, City Council shall, at least ten (10) days prior to enactment, re-advertise, in one (1) newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

4) Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

1312.16 FEES.

a) **FEE AND FEE SCHEDULE AVAILABLE** - The City shall set fees for all applications, permits or appeals provided for by this Zoning Ordinance to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use certificates. The fee schedule shall be available through the Zoning Officer for inspection.

1312.17 EXEMPTIONS.

a) **EXEMPTIONS, EXISTING OR PROPOSED UTILITY CORPORATION** - The provisions of this Zoning Ordinance shall not apply to any existing or proposed utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

1312.18 PENALTY.

a) No person shall erect, construct, reconstruct, alter, convert, maintain or use any building or structure, or use any land in violation of any regulation or provision of this Zoning Ordinance or any duly enacted amendment hereof. Any person, partnership or corporation who violates or permits the violation of provisions of this Zoning Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the City, shall pay a judgment of not more than five-hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was good faith basis for the person, partnership or corporation violating this Zoning Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice. Thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid to the City. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

ARTICLE 1313
Interpretation, Conflict and Validity

1313.01 Interpretation.
1313.02 Conflict with other laws.
1313.03 Validity.
1313.04 Effective date.

1313.01 INTERPRETATION.

a) **INTERPRETATION** - In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety or general welfare.

1313.02 CONFLICT WITH OTHER LAWS.

a) **RESOLVING CONFLICT** - The provisions of this Zoning Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance or regulation shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance the provisions of such statute, ordinance or regulation shall prevail.

1313.03 VALIDITY.

a) **SEVERABILITY** - Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1313.04 EFFECTIVE DATE.

a) **EFFECTIVE DATE** - This Zoning Ordinance shall take effect upon adoption and publication according to law.

TITLE THREE - Subdivision and Land Development

Art. 1331. Short Title and Purpose.
Art. 1332. Definitions.
Art. 1333. Procedures and Requirements.
Art. 1334. Design Standards.
Art. 1335. Mobile Home Parks.
Art. 1336. Required Improvements.
Art. 1337. Administration.

ARTICLE 1331
Short Title and Purpose

1331.01 Short title.
1331.02 Statement of intent and authority.
1331.03 Purposes.

CROSS REFERENCE
Subdivision and land development - see Act 247 Sec. 501 et seq. (53 P.S. Sec. 10501 et seq.)

1331.01 SHORT TITLE.

These regulations in Articles 1331 through 1337 shall be known and may be cited and referred to as the "Subdivision and Land Development Ordinance of the City of York".
(Ord. 12-1982 Sec. 1.00. Passed 11-3-82.)

1331.02 STATEMENT OF INTENT AND AUTHORITY.

Council proposes to establish qualifications, procedures and standards for subdivision and land development. Therefore, under and by virtue of the authority granted in Article V of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as amended, Council does hereby enact this Subdivision and Land Development Ordinance.
(Ord. 12-1982 Sec. 1.10. Passed 11-3-82.)

1331.03 PURPOSES.

These regulations are adopted for the following purposes:

(a) To protect and provide for the public health, safety and general welfare of the municipality;

(b) To guide the future growth and development of the City, in accordance with the Comprehensive Plan;

(c) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of land and undue congestion of population;

(d) To regulate the subdivision and/or development of flood-prone land areas in order to promote the general health, welfare and safety of the community;

(e) To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;

(f) To protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and/or development of unprotected flood-prone lands;

(g) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City;

(h) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;

(i) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage. schools, parks, playgrounds, recreation and other public requirements and facilities;

(j) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate in the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

(k) To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;

(l) To insure that public facilities are available and shall have a sufficient capacity to serve the proposed subdivision;

(m) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land;

(n) To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features; and

(o) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the City Zoning Ordinance. (Ord. 12-1982 Sec. 1.20. Passed 11-3-82.)

ARTICLE 1332
Definitions

1332.01 Language interpretations. 1332.02 Definitions.

CROSS REFERENCES
State definitions - see Act 247 Sec. 107 (53 P.S. Sec. 10107)
Zoning definitions - see P. & Z. Art. 1301
Planned residential development definitions - see P. & Z. Art. 1352
Storm water management and erosion and sedimentation control definitions - see P. & Z. Art. 1372

1332.01 LANGUAGE INTERPRETATIONS.

For the purpose of these regulations certain words shall have the following interpretations assigned to them:

(a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.

(b) The word "shall" is always mandatory.

(Ord. 12-1982 Sec. 2.00. Passed 11-3-82.)

1332.02 DEFINITIONS.

(a) For the purpose of these regulations certain words shall have the following interpretations assigned to them: (Ord. 19-1991 §1. Passed 7-2-91.)

(1) "Agricultural purposes" means the use of land for farming, dairying, pasturage, apiculture, horticulture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. It includes land devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

(2) "Alley" means a permanent serviceway providing a secondary means of access to abutting lands.

(3) "Applicant" means a landowner or developer, hereinafter defined, who has filed an application for development including his heirs, successors and assigns

(4) "Application for development" means every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

(Ord. 19-1991 §1. Passed 7-2-91.)

(5) "Appointing authority" means the Mayor of the City of York.
(6) "Block" means property abutting on one side of a street and situated between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right of way, waterway, unsubdivided area or other definite barrier.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
(7) "Building setback" or "building line" means a line within and across a lot defining the required minimum yard between any structure and any adjacent street line. (Ord. 19-1991 §1. Passed 7-2-91.)
(8) "Cartway" means the surface of a street or alley available for vehicular traffic or the area between curbs.
(9) "City" means the City of York, Pennsylvania.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
(10) "Clear sight triangle" means an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street lines.
(Ord. 19-1991 §1. Passed 7-2-91.)
(11) "Commission" means the City of York Planning Commission.
(12) "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents. (Ord. 12-1982 §2.10. Passed 11-3-82.)
(13) "Comprehensive Plan" means the composites of mapped and written proposals for the physical development of the City which has been duly adopted by Council. (Ord. 19-1991 §1. Passed 7-2-91.)
(14) "County" means York County.
(15) "Development" means the same as land development. (See subsection (a) (27) hereof.)
(16) "Development Plan" means the provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this Subdivision and Land Development Ordinance shall mean the written and graphic materials referred to in this definition.
(17) "Developer" means any landowner. agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
(18) "Director of Economic and Community Development" means the Director of Economic and Community Development of the City of York.
(Ord. 19-1991 §1. Passed 7-2-91.)
(19) "Double-frontage lot" means one which extends from one street to another, with frontage on both streets.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

(20) "Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.
(Ord. 19-1991 §1. Passed 7-2-91.)

(21) "Easement" means a grant by the property owner of the use of a strip of land by the public, a corporation or persons for specified purposes.

(22) "Engineer" means a professional engineer registered in the Commonwealth of Pennsylvania, for a municipality, planning agency, planning commission, property owner or applicant.

(23) "Flood plain" means a relatively flat or low land area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation; an area subject to unusual and rapid accumulation of runoff or surface waters from any source.

(24) "Flood-prone area" means a relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(25) "Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

(26) "Governing body" means Council of the City of York.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

(27) "Land Development" means any of the following activities:

A. Improvement. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. Buildings. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

2. Division, Allocation. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; and

B. Subdivision. A subdivision of land; and

C. Exemptions. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170 of 1988 as amended). The following activity is excluded from land development requirements:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. The exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities. (Ord. 9-2000. Passed 6-6-00.)

(28) "Landowner" means the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contact is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

(29) "Lot" means a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

(30) "Lot area" means the area contained within the property lines of an individual lot, excluding any area within a street right-of-way, or future right-of-way but including the area of any easement.

(31) "Lot width" means the distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line. (Ord. 19-1991 §1. Passed 7-2-91.)

(32) "Major Thoroughfare Plan" means that part of the Comprehensive Plan, now or hereafter adopted, which sets forth the general location, alignment and dimensions, and the identification and classification of existing and proposed public streets, highways and other thoroughfares. (Ord. 12-1982 §2.10. Passed 11-3-82.)

(33) "Mobile home" means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

(34) "Mobile home lot" means a parcel of land in a mobile home park, necessary for the erections thereon of a single mobile home.

(35) "Mobile home park" means a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. (Ord. 19-1991 §1. Passed 7-2-91.)

(36) "Plan" means a map indicating the subdivision or resubdivision of land, or a land development, intended to be filed for record.

A. "Final plan" means a map of a proposed plan drawn in accordance with the requirements of Section 1333.07 and submitted to the Commission for final approval and is the plan submitted for recording to the Office of the Recorder of Deeds of York County.

B. "Preliminary plan" means a map showing the layout of a proposed plan submitted for tentative approval by the Commission in accordance with the requirements of Section 1333.04.

C. "Sketch plan" means a map showing the layout of a proposed plan with sufficient accuracy to be used for the purpose of discussion in accordance with the requirements of Section 1333.02.

(Ord. 12-1982 §2.10. Passed 11-3-82.)

(37) "Planned residential development" means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the York City Zoning Ordinance.

(Ord. 19-1991 §1. Passed 7-2-91.)

(38) "Planning agency" means the York City Planning Commission and its staff.

(39) "Plat" means the map or plan of a subdivision or land development, whether preliminary or final.

(Ord. 12-1982 §2.10. Passed 11-3-82.)

(40) "Public grounds" includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

(40.2) "Public hearing" means a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with ordinance.

(40.3) "Public meeting" means a forum held pursuant to notice under the Act of July 3, 1986, (P.L. 388, No. 84) known as the "Sunshine Act".

(41) "Public notice" means notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

(Ord. 19-1991 §1. Passed 7-2-91.)

(42) "Reserve strip" means a strip of land following the right-of-way line of a street and adjacent to it and is intended to control access to the street from adjacent property.

(43) "Right of way" means the strip of land over or under which facilities such as streets, crosswalks or utility lines are built.

(44) "Setback" means the required horizontal distance between a setback line and a property or street line.

A. "Setback, front" means the distance between the street line and the front setback line projected the full width of the lot, commonly called "front yard".

B. "Setback, rear" means the distance between the rear lot line and the rear setback line projected the full width of the lot, commonly called "rear yard".

C. "Setback, side" means the distance between the side lot line and the side setback line projected from the front yard to the rear yard, commonly called "side yard".

(45) "Setback line" means a line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

(46) "Street" means a public or private thoroughfare used, or intended to be used, for passage or travel by pedestrians, bicycles and motor vehicles. Terms may include alley, avenue, boulevard, drive, bypass, expressway, freeway, highway, lane, parkway, road or street. Streets are further classified by the functions they perform and as designated in the Strategic Comprehensive Plan.

A. "Arterial street" means a higher-order street intended for large volumes of traffic movement that connect population and employment centers and whose access is generally limited to controlled intersections. A street that is so designated in the Strategic Comprehensive Plan.

B. "Collector street" means a midde-order street intended to carry medium volumes of traffic that connect lower-order or local streets to higher-order or arterial streets. A collector street serves neighborhood areas and provides access to arterial streets. A street that is so designated in the Strategic Comprehensive Plan.

C. "Local street" means a lower-order street intended for lower levels of traffic used primarily to provide access to abutting properties and generally serving internally developed areas. Designed to carry lower levels of traffic.

D. "Half street" means a street built along a property line and generally parallel to it which has a right of way whose width is less than normally required.

E. "Cul-de-sac" means a local street with only one outlet and having the other end for the reversal of traffic movement.

F. "Marginal access street" means a local street, parallel to an arterial or collector street, providing access to abutting properties and separation from through traffic while directing traffic to improved intersections to reduce curb cuts to a collector or arterial street.

G. "Secondary access street" means a public or private street, alley or right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

H. "Street line" means the dividing line between the street and a lot; the limit of a right of way.
(Ord. 9-2000. Passed 6-6-00.)

(47) "Storm Water Management Act" means the Storm Water and Erosion Control Code of 1981, Title Six.
(Ord. 19-1991 §1. Passed 7-2-91.)

(48) "Structure" means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

(49) "Subdivider" means any person, co-partnership, or corporation owning land for which a subdivision application is filed and processed under the provisions of these regulations.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

(50) "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devises, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.
(Ord. 19-1991 §1. Passed 7-2-91.)

(51) "Watercourse" includes creek, stream, channel, ditch, drain, dry run, spring and river.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

ARTICLE 1333
Procedures and Requirements

1333.01 General.
1333.02 Pre-application procedure.
1333.03 Preliminary plan procedures.
1333.04 Preliminary plan requirements.
1333.05 Preliminary plan approval.
1333.06 Final plan procedures.
1333.07 Final plan requirements.
1333.08 Completion of improvements or guarantee thereof prerequisite to final plat approval.
1333.09 Release from improvement bond.
1333.10 Remedies to effect completion of improvements.
1333.11 Final plan approval.
1333.12 Recording of final plan; assessment increases.
1333.13 Effect of plat approval on official map.

CROSS REFERENCES

Effect of plat approval - see Act 247 Sec. 403 (53 P.S. Sec. 10403)
Plat approval - see Act 247 Sec. 508 (53 P.S. Sec. 10508)
Recording plat - see Act 247 Sec. 513 (53 P.S. Sec. 10513)
Planned residential development - see Act 247 Sec. 701 et seq. (53 P.S. Sec. 10701 et seq.)

1333.01 GENERAL.

Hereafter, all subdivision and land development plans shall be reviewed and approved in accordance with the procedures specified in this article and in other parts of these regulations. Any approval not processed as required, hereafter, shall be null and void unless such approval was made prior to the adoption of these regulations.
(Ord. 12-1982 Sec. 3.00. Passed 11-3-82.)

1333.02 PRE-APPLICATION PROCEDURE.

(a) Prior to the filing of a preliminary plan, the developer may submit to the Director of City Planning a sketch plan of the proposed land development at least two weeks prior to a regular meeting of the Planning Commission. This sketch shall be used as a basis for informal discussion with the Commission.

(b) The sketch plan shall show the general layout including the proposed streets, lots, sanitary and public facilities and the relationship to adjacent existing or planned development. Within thirty days of submittal the Commission shall inform the applicant if the plan as submitted meets the objectives of these regulations.

(c) Prospective developers may consult the County Soil and Water Conservation District representative concerning the erosion and sediment control when the proposed development involves earthmoving, construction of new impervious areas, construction of new buildings or additions to existing buildings, nursery operations, diversion or piping of any natural or man-made stream channel or installation of storm water systems. If consultation does not occur prior to the pre-application conference, the City Engineering Department shall forward the plan to the County Soil and Water Conservation District for review in accordance with the Storm Water and Erosion Control Ordinance (Article 1371 et seq.).
(Ord. 12-1982 Sec. 3.10 Passed 11-3-82.)

1333.03 PRELIMINARY PLAN PROCEDURES.

(a) Whether or not a sketch plan was submitted for review (see Section 1333.02) the applicant shall prepare a preliminary plan, together with improvement plans and other supplementary material as specified in these regulations. However, in the case of a land development or a subdivision of less than four lots, the Planning Commission upon written request of the developer, may waive the requirements that a preliminary plan be submitted and approved prior to consideration of a final plan, provided that the plan submitted meets all the requirements of a final plan and does not contain any public improvements. If the applicant elects to waive preliminary plan submittal he shall submit the final plan in accordance with final plan procedures referred to in Section 1333.06. (Ord. 12-1982 §3.20. Passed 11-3-82.)

(b) At least three prints of the preliminary plan together with three copies of other required material shall be submitted to the Director of City Planning at least thirty days prior to the Commission meeting at which the preliminary plan will be considered. The preliminary plan shall be forwarded upon receipt by the Bureau of Planning to the York County Planning Commission for review and comment.

(c) The preliminary plan shall be accompanied by a check or money order drawn to the City in an amount determined by resolution by Council and a check or money order drawn to the York County Planning Commission in an amount determined by the Commission.

(d) The preliminary plan shall be reviewed by the proper City Officials and the City Engineer. The applicant shall attempt to incorporate the review comments of the City officials, City Engineer and County Planning Commission into the preliminary plan and at least ten days prior to the Commission meeting at which the preliminary plan shall be considered, the applicant shall submit at least ten copies of the preliminary plan together with ten copies of other required material to the Director of Planning.
(Ord. 19-1991 §2. Passed 7-2-91.)

(e) The Commission shall review the preliminary plan to determine its conformity to the design standards and requirements contained in these regulations and submit their recommendations to Council who shall be responsible for the ultimate approval or denial of the plan. (Ord. 12-1982 §3.20. Passed 11-3-82.)

(f) Council shall not take final action on a preliminary plan until a written review of the same is received from the York County Planning Commission, or until the expiration of thirty days from the date the application was forwarded to the County by the Bureau of Planning. (Ord. 19-1991 §2. Passed 7-2-91.)

(g) Approval of the preliminary plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval of the land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots and other planned features, but shall not authorize the sale of lots. The developer may then proceed with the installation of improvements after obtaining the proper permits and with the preparation of the final plan. No City official or bureau shall issue any permits required for street openings, water, sewer, curbs or sidewalks until after approval of the preliminary plan. (Ord. 12-1982 Sec. 3.20. Passed 11-3-82.)

1333.04 PRELIMINARY PLAN REQUIREMENTS.

(a) The preliminary plan shall be clearly and legibly drawn or reproduced at a scale of fifty or 100 feet to the inch, and shall be drawn by a registered land surveyor or professional engineer. The sheet size shall be a minimum of twenty-two by thirty-six inches.

(b) The following information shall be shown:

(1) A key map showing the entire plan and its relation to surrounding area;

(2) The tract name, block and lot numbers, date, graphic scale, north point and names and addresses of the following: The record owner or owners; the developer; and the person who prepared the map;

(3) Acreage of tract and number of lots;

(4) Zoning requirements indicating minimum lot size, setbacks, yard requirements, district and proposed lot size;

(5) One foot contours for natural slope of less than one percent (1%) and contours at vertical intervals of two feet for land having an average natural slope of one percent (1%) to four percent (4%) and at a vertical interval of five feet for more steeply sloping land; distance and directions of nearest bench mark; and datum used;

(6) Tract boundaries showing distances and bearings;

(7) Certification of registered engineer or surveyor and date of survey;
(Ord. 12-1982 Sec. 3.30. Passed 11-3-82.)

(8) The location of existing and proposed lot lines, streets, curb lines, buildings, setback lines, watercourses, railroads, sewer and water lines, bridges, culverts, drainpipes and any natural features such as wooded areas and rock formations within the plan and within a distance of 100 feet from the boundaries thereof and the names of owners within 100 feet of the land to be subdivided;
(Ord. 21-98. Passed 12-1-98.)

(9) Where the subdivision and/or land development lies partially or completely in flood-prone areas, or where the subdivision and/or land development borders on flood-prone areas, the preliminary plan shall include the following information:

A. A map showing the location of the proposed subdivision and/or land development with respect to the City's flood-prone areas including information on, but not limited to, the regulatory flood elevations, boundaries of flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions;

B. Where the subdivision and/or land development lies partially or completely in the flood-prone areas, or where the subdivision and/or land development borders on the flood-prone areas, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas; and

C. Name of engineer, surveyor or other qualified person responsible for providing the information required in this subsection;

(10) Cross-sections and center line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.

(11) Plans and profiles of proposed and existing storm sewers;
(12) Plans and profiles of proposed utility layouts and easements such as sewers, storm drains, water, gas and electricity, showing feasible connections to existing or any proposed utility systems;
(13) Sites to be reserved for parks, playgrounds or other public uses;
(14) A copy of any protective covenants or deed restrictions applying to the land being developed; and
(15) Where activities as stated in Section 1333.02(c) occur the City Engineer shall be contacted as to the applicability of the Storm Water and Erosion Control Ordinance (Article 1371 et seq.) as well as plans showing the location of existing trees and new trees and screening.
(Ord. 12-1982 Sec. 3.30. Passed 11-3-82.)

1333.05 PRELIMINARY PLAN APPROVAL.

(a) Council shall render its decision and communicate it to the applicant not later than ninety days following the date of the regular meeting of the Commission, next following the date the application is filed, provided that should the next regular meeting occur more than thirty days following the filing of the application, the ninety-day period shall be measured from the thirtieth day following the day the application has been filed.
(Ord. 19-1991 §3. Passed 7-2-91.)

(b) The decision of Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen days following the decision. Failure to render and communicate a decision within the time and in the manner prescribed constitutes an approval.
(Ord. 12-1982 §3.31. Passed 11-3-82.)

(c) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(d) Failure of Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
(Ord. 19-1991 §3. Passed 7-2-91.)

1333.06 FINAL PLAN PROCEDURES.

(a) Submission Items. Except as stated below, four prints of the final plan together with four copies of the other required materials shall be submitted to the Bureau of Planning at least forty-five days before the Commission meeting at which the final plan shall be considered.
(1) Fee. The final plan submission shall be accompanied by a check or money order drawn to the City in an amount determined by Council resolution.
(2) Southeast Area Overlay. For a final plan within the Southeast Area Overlay zoning district, ten prints of the final plan shall be submitted to the Bureau of Planning at least forty-five days before the Planning Commission meeting at which the final plan shall be considered.

(3) Building elevations. At least ten prints of the proposed building elevations within the Southeast Overlay zoning district shall be submitted along with the final plan.

A. Scaled drawings. The plans must be drawn to scale. All elevations visible from a public street, except a secondary access street, must be completed.

B. Building materials. The plan must identify and list the type of building materials that will be used.

C. Signage. All proposed signage must be noted on the site plan.

(b) Preliminary Plan. The final plan shall conform to the preliminary plan as approved.

(1) Conformity. If desired by the developer, the plan may constitute only that portion of the approved preliminary plan which the applicant proposes to develop and record at the time; provided, however, that the portion conforms to all requirements of these regulations.

(2) Expiration. The final plan shall be submitted within one year after approval of the preliminary plan, otherwise, the preliminary plan shall be resubmitted to the Commission for approval unless an extension of time is granted by the Commission in writing.

(c) York County Planning Commission. The applicant must submit a plan for review by the York County Planning Commission at least thirty days before the Planning Commission meeting at which the final plan shall be considered.

(1) Comments. The City Planning Commission shall not make recommendation on a final plan for a period of thirty days after the application has been forwarded to the County Planning Commission unless the required review has been received from the York County Planning Commission.

(d) City Review. The final plan shall be reviewed by the proper City officials and the City Engineer. (Ord. 21-98. Passed 12-1-98.)

(1) Comments. The applicant is encouraged to incorporate review comments of the City officials, City Engineer and York County Planning Commission into the final plan at least fifteen days prior to the Commission meeting at which the final plan shall be considered. (Ord. 9-2000. Passed 6-6-00.)

(2) Number of copies. The applicant shall submit at least ten copies to the Bureau of Planning.

(e) Southeast Area Citizens Advisory Committee. For land development plans within the Southeast District Area Overlay zoning district, the City Planning Commission shall not make a recommendation on the final plan until a written recommendation is received from the Southeast Area Citizen Advisory Committee or until the expiration of twenty days from the date the application was forwarded to the Bureau of Planning.

(f) Plan Scale and Sheet Size. Final plans submitted to the Commission shall consist of paper prints at the scale of one inch to twenty, thirty, forty, fifty feet or 100 feet. The sheet size shall be twenty-two by thirty-six inches. The plan may be made in multiples of this size and cut along match lines.

(1) Reproduction print. After final recommendations by the Commission, one transparent reproduction of the final plan on stable plastic film (Mylar or approved equal) shall be submitted for final signatures and subsequent recording.

(2) Oversize prints. Oversize prints shall be reduced on stable film to twenty-two by thirty-six inches or made into sections of twenty-two and thirty-six inches and cut along match lines.
(Ord. 21-98. Passed 12-1-98.)

1333.07 FINAL PLAN REQUIREMENTS.

The final plan shall show or be accompanied by the following:

(a) A key map showing the entire plan and its relation to surrounding areas;
(b) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract closing within an error of not more than one foot in 10,000 feet;
(c) Accurate distances and directions to the nearest established street corner or official monument. Reference corners shall be accurately described on the plan;
(d) Accurate location of all existing and recorded streets intersecting the boundaries of the tract;
(e) Source of Title of the land as shown by the records of the County Recorder of Deeds;
(f) Name and address of owner or subdivider and the name of the subdivision;
(g) North point, graphic scale and date;
(h) Block and lot numbers in consecutive order, dimensions and minimum area; acreage of entire development; density and use of land;
(i) Lot lines with accurate bearings and distances, distances to be to the nearest hundredth of a foot;
(j) Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord;
(k) Street lines with accurate dimensions in feet and hundredths of feet, with the bearing of such street lines;
(l) Street names;
(m) Names and addresses for all adjacent owners within 200 feet of the site;
(n) Location and material of all permanent monuments and lot markers;
(o) Easements for utilities;
(p) Setback lines as established by the City Zoning Code; and
(q) The following certificates, where applicable, shall be shown on the plan:
    (1) Certification, with seal, by a registered land surveyor or professional engineer to the effect that the survey and plan are correct;
    (2) Certificate with provision for signature for review by the Planning Commission;
    (3) Any proposed land development shall be made to conform with the Zoning Ordinance, and the signature of the Zoning Officer, approving the plans with respect to zoning is required on final plans prior to being accepted by the Planning Office for processing;
    (4) Certificate with provision for signature and approval by Council and the City Clerk;
    (5) A statement certification, properly notarized, to the effect that the development shown on the final plan is the act and deed of the owner, that he is the owner of the property shown on the survey and plan and that he desires the streets, roads and public areas shown in the same to be dedicated; and
    (6) A certificate to provide for the recording information (box approximately four inches by two inches).
    (Ord. 12-1982 §3.50. Passed 11-3-82.)

(7) A certificate to provide for signature and approval by York County Planning Commission.

(Ord. 19-1991 §5. Passed 7-2-91.)

(r) The final plan shall be accompanied by the following material:

(1) Final profiles, cross-sections and specifications for street improvements, sanitary and storm sewers. Water distribution systems shall be shown on one or more separate sheets. Plans for water and sewer installations shall be approved by the York Water Company, Sewer Department and Engineering Department;

(2) Restrictions of all types which shall run with the land and become covenants in the deeds of lots shown on the plan;

(3) Certificate of dedication of streets and other public property; and

(4) A check for all street signs to be installed by the City at each intersection at fifty dollars ($50.00) per intersection.

(Ord. 12-1982 §3.50. Passed 11-3-82.)

(s) Traffic Summary. The applicant must submit a written statement describing the following items. This statement can be completed by the applicant or traffic engineer and must be signed by both the applicant and property owner.

(1) Traffic. The applicant must describe trip generation information for a proposed building and use. This information includes how many employees, customers and vendors will visit the site during a typical week by vehicle type. In addition to the trip information described by the applicant, which may include information from applicable trade journals or publications, the most current edition of the Institute of Transportation Engineers "Trip Generation" shall be referenced. The applicant must state the proposed hours of operation.

(2) Loading. The applicant will describe all proposed loading and unloading activity. The statement should include time(s), type and size of vehicles used and frequency of visits during the typical week.

(3) Company vehicles. The applicant should note the type, number and size of company vehicles used. The applicant should describe where company vehicles are stored.

(4) Access. The applicant must describe how vehicles will get to and exit the property. Proposed and existing access locations will be examined by the City Engineer for safety and necessity to eliminate unnecessary curb cuts in the City's transportation network.

(5) Truck routes. The applicant should describe how trucks and/or commercial vehicles are directed to the site. The routes should indicate which specific City streets will be used to reach the site. The applicant should refer to the National Truck Network for York County developed as part of the York County Long Range Transportation Plan.

(6) Curb cuts on state roads. Land development with curb cuts on state roads must provide evidence of an approved Highway Occupancy Permit (HOP) for all new land uses accessing state-owned roadways. The Safe Stopping Sight Distance standards of the PennDOT HOP Handbook (Publication 282) and the Pennsylvania Code Chapter 441 should be met.

Editor's note: York County Planning Commission "review of awareness" must be conducted before the PennDOT District Office will accept the application.

(7) Parking lot. The applicant must submit a scaled drawing indicating the proposed parking lot layout in accordance with the requirements of Article 1310, Parking and Article 1306, Infrastructure and Landscaping. Before an occupancy permit is issued, the property must be improved according to the layout submitted with the application request. This requirement will be waive if the site has one hundred percent (100%) building coverage or has less than 162 square feet of open space. If no parking is proposed, the applicant must submit a scaled drawing of the lot showing the lot and existing improvements.

(8) Traffic engineer. Based on the information provided, the City may require the preparation of a traffic impact study by a traffic engineer or have a traffic engineer review the summary which may include the following, and descriptions of methodologies where appropriate:

A. Description. An introduction providing an overview of the development and an inventory of the surrounding transportation network, including but not limited to, existing traffic volumes, surface conditions, and posted speed limits, and a location map showing the site in relation to surrounding areas, shall be provided.

B. A.M. and P.M. peak. The traffic engineer will provide a capacity a analysis (a.m. and p.m. peak for weekdays, midway peak for peak hour(s) of operation for use) for the appropriate intersections as identified by the City, the summary of which is to be summarized in matrix form.

Editor's note: The most current version of the Highway Capacity Manual and accompanying software should be used.

C. Traffic accident data. The traffic engineer will evaluate PennDOT reportable traffic accident data for a five-year period for appropriate mid-block segments and intersections to identify clustering and accident patterns, and provide recommendations to increase pedestrian and vehicular traffic safety.

D. Loading information. The traffic engineer will evaluate all proposed loading areas and provide recommendations concerning safety and access issues.

E. Signage. The traffic engineer will provide recommendations concerning traffic signage including any necessary turning restrictions.

Editor's note: A traffic and engineering study is required for placement of traffic control devices (i.e., stop signs) at site driveway and access drive approaches to public streets, and for the placement of signs along public streets, (i.e., parking restrictions, stop signs).

F. Curb cuts. The traffic engineer will complete an analysis of all curb cuts and access points and provide recommendations concerning design and the necessity of each curb cut.

G. Circulation. A review of the proposal will be completed to evaluate internal and external circulation of the parking lot layout. If no parking is provided, the traffic engineer will review loading and unloading activities for both product and pedestrians. The potential for the development to be served by alternative modes of transportation (i.e., transit, bicycle, pedestrian) should be evaluated. If installation of a transit stop is appropriate, the Executive Director of the York County Transportation Authority must be consulted.

H. City studies. The traffic engineer must update, revise or supplement any area-wide or corridor traffic impact, safety or circulation studies completed or officially amended by Council or York City Planning Commission. The title, author and date of any such referred to study documents or amendments shall be cited in the study.

I. Scope of study. Recommendations for the improvements of deficiencies noted in the study shall be detailed and reflected on the plan. These are minimum requirements depending on the location and type of proposed activity. The Director of Planning may request additional study elements to assist in the evaluation of the land development plan. (Ord. 21-98. Passed 12-1-98.)

1333.08 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAT APPROVAL.

No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storms sewers and other improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to staged development as provided for in this section, applicant or developer shall provide for the deposit with the City, financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

Upon request by the applicant or developer, in order to facilitate financing, Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the applicant or developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety days unless a written extension is granted by Council.

Without limitation as to other types of financial security which the City may approve, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided such bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety days following the date scheduled for completion by the developer. Annually, the City may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to such adjustment, the City may require the developer to post additional security in order to assure that the financial security equals such one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this section.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The City, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid equally by the Municipality and the applicant or developer.

If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

In the case where development is projected over a period of years, Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to Council and Council shall have forty-five days from receipt of such request within which to allow the City Engineer to certify, in writing, to Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed or, if Council fails to act within such forty-five day period, Council shall be deemed to have approved the release of funds as requested. Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

Where Council accepts dedication of all or some of the required improvements following completion, Council may require the posting of financial security to secure structural integrity of such improvements as well as the functioning of such improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen months from the date of acceptance of dedication. Such financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of such improvements. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, The City shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if such financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed. (Ord. 19-1991 §6. Passed 7-2-91.)

1333.09 RELEASE FROM IMPROVEMENT BOND.

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. Council shall, within ten days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid improvements. The City Engineer shall, thereupon, file a report, in writing, with Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the City Engineer of the aforesaid authorization from the governing body; and such report shall be detailed and shall indicate approval or rejection of such improvements, either in whole or in part, and if such improvements, or any portion thereof, shall not be approved or shall be rejected by the City Engineer, such report shall contain a statement of reasons for such nonapproval or rejection.
(Ord. 12-1982 §3.70. Passed 11-3-82.)

(b) Council shall notify the developer, within fifteen days of receipt of the Engineer's report, in writing, by certified or registered mail of the action of Council with relation thereto. (Ord. 19-1991 §7. Passed 7-2-91.)

(c) If Council or the City Engineer fails to comply with the time limitation provisions contained herein, all improvements shall be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

(d) If any portion of the improvements shall not be approved or shall be rejected by Council, the developer shall proceed to complete the same, and upon completion, the same procedure of notification, as outlined herein, shall be followed.

(e) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of Council or the City Engineer.

(f) Where herein reference is made to the City Engineer, he shall be a duly registered professional engineer employed by the City.

(g) In the event that cash or the equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.
(Ord. 12-1982 §3.70. Passed 11-3-82.)

(h) The applicant shall reimburse the City for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution of Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the City Engineer for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the City when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the City that such expenses are disputed as unreasonable or unnecessary, in which case the City shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

(2) If, within twenty days from the date of billing, the City and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the City shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that Council and applicant cannot agree upon the professional engineer to be appointed within twenty days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the City is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the City Engineer nor any professional engineer who has been retained by, or performed services for, the City or the applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars ($1,000) or more, the City shall pay the fee of the professional engineer, but otherwise the City and the applicant shall each pay one-half of the fee of the appointed professional engineer. (Ord. 19-1991 §7. Passed 7-2-91.)

1333.10 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

In the event that any improvements which may be required have not been installed as provided in the Subdivision and Land Development Ordinance or in accord with the approved final plat Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Municipal purpose. (Ord. 12-1982 Sec. 3.80. Passed 11-3-82.)

1333.11 FINAL PLAN APPROVAL.

(a) Council shall render its decision and communicate it to the applicant not later than ninety days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should such next regular meeting occur more than thirty days following the filing of the application, such ninety day period shall be measured from the thirtieth day following the day the application has been filed. Failure of Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (Ord. 19-1991 §8. Passed 7-2-91.)

(b) When the plan is not approved in terms as filed, the decision shall specify the defects found in its application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(c) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. (Ord. 12-1982 See. 3.90. Passed 11-3-82.)

1333.12 RECORDING OF FINAL PLAN; ASSESSMENT INCREASES.

(a) Upon the approval of a final plan the developer shall within ninety days of such final approval record such plan in the Office of the Recorder of Deeds of York County. The Recorder of Deeds of York County shall not accept any plan for recording unless such plan officially notes the approval of Council and review of York County Planning Commission. (Ord. 19-1991 §9. Passed 7-2-91.)

(b) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan. (Ord. 12-1982 §3.95. Passed 11-3-82.)

1333.13 EFFECT OF PLAT APPROVAL ON OFFICIAL MAP.

After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the official map of the City without public hearing. (Ord. 19-1991 §10. Passed 7-2-91.)

ARTICLE 1334
Design Standards

1334.01 General requirements.
1334.02 Streets.
1334.03 Easements.
1334.04 Blocks.
1334.05 Lots.
1334.06 Building setback lines.
1334.07 Grading.
1334.08 Flood plain district regulations.
1334.09 Development guidelines.

CROSS REFERENCES

Design standards - see Act 247 Sec. 503 (53 P.S. Sec. 10503)
Flood-Plain District regulations - see P. & Z. 1307.09 et seq.

1334.01 GENERAL REQUIREMENTS.

(a) Hereafter, all plans shall be approved by Council only in accordance with the procedure and requirements established by these regulations.

(b) Land subject to flooding or other hazards to life, health or property and land deemed to be topographically unsuitable shall not be plotted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or a flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the land development plans. Such land within the development shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(c) Where not prohibited by this or any other laws or ordinances, land located in flood-prone areas may be plotted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and other laws and ordinances regulating such development.

(d) No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements shall individually or collectively increase the regulatory flood elevation more than one foot at any point.

(e) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(f) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area if the sites or dwelling units are elevated to a height at least one foot above the elevation of the regulatory flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen feet beyond the limits of the proposed structures.

(g) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway areas. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in subsection (d) hereof. However, Council may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than one foot above the regulatory flood if the developer otherwise protects the area to that height or assures that the buildings or structures shall be floodproofed at least up to that height.

(h) If the City determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(i) When a developer does not intend to develop the plot himself and the City determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plot.
(Ord. 12-1982 §4.00. Passed 11-3-82.)

(j) In the event that a proposed Subdivision or Land Development is abutting or in relation to an adjacent municipality or municipalities, the City Planning Commissiion shall solicit reviews and reports from the appropriate agencies affected by the plans in attempts to coordinate development. (Ord. 19-1991 §11. Passed 7-2-91.)

1334.02 STREETS.

(a) General Requirements.

(1) All streets shall conform to the Comprehensive Plan prepared by the Planning Commission with respect to arrangements, character, extent and location.

(2) Streets in plans not shown in the Comprehensive Plan shall be arranged to: Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan approved or adopted by the Commission to meet a situation where topographic or other conditions make continuance or conformity to the lines of existing streets impracticable.

(3) Details of streets on an approved and recorded final plan shall be considered to form part of the Major Thoroughfare Plan for the City.

(4) The design of all streets shall be considered in relation to: The existing and planned streets; the topography of the site; public convenience and safety; appropriate relation to the proposed uses of land in the area such streets serve; and shall tie into existing street profiles on file in the City Engineer's Office.

(5) Local access streets shall be so laid out that their use by through traffic shall be discouraged.

(6) Street right of way and cartway widths shall be as follows:

Street Type	Right of Way (feet)	Cartway (feet)
Arterial	80 or as determined after consultation with the PA Dept. of Transportation	48 with concrete curbs
Collector	60 - 80 as determined by the City Engineer	40 with concrete curbs
Local access	50	34 with concrete curbs

(7) Street grades shall conform to the following:

Street Type	Minimum	Residential Maximum	Nonresidential Business and Industry Maximum
Arterial	.75%	5%	5%
Collector	.75%	6%	6%
Local access	.75%	10%	6%

%=Percent Grade

(8) Names of new streets and other right of ways in all plans shall be subject to the approval of the Commission and Council.

(b) Special Considerations.

(1) Where a plan abuts or contains an existing or proposed arterial street, railroad or a limited access highway, the Commission may require such other treatment as it may deem necessary to protect residential properties from the effects of heavy traffic, as well as to afford separation of through and local traffic.

(2) Reserve strips controlling access to streets shall be prohibited except where their control is definitely assigned to the City.

(3) Half streets shall be prohibited except where they are essential to reasonable development conforming to the other requirements of these regulations and the Commission finds it shall be practicable to require dedication of the other half, when adjoining property is developed.

(4) Whenever a half street adjoins property proposed to be developed, the completion of such street shall be required as a condition to approval of the final plan.

(c) Geometrical Design Requirements.

(1) Street jogs with less than 200 feet center line to center line shall be avoided.

(2) Street curb intersection at ninety degrees shall be rounded and contain wheelchair ramps with a curve having a radius in accordance with the following schedule:

Intersecting Streets	Minimum Curb Radius (Feet)
Arterial with collector or local access	30
Collector and local access	25
Local access	10

(3) The minimum radius at the center line for curves shall be as follows:

Type of Street	Minimum Radius (Feet)
Arterial	500
Collector	300
Local access	150

(4) A tangent at least 100 feet long shall be introduced between reverse curves on collector streets and 200 feet on arterial streets.

(5) Dead end or cul-de-sac streets in general shall not exceed 600 feet in length and shall be provided with a paved turnaround with a minimum diameter of eighty feet to the outside curb and 100 feet to the legal right of way.

(6) Proper sight distances shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, three and seventy-five hundredths feet above grade, this sight distance shall be as follows:

Type of Street	Sight Distance (Feet)
Arterial	400
Collector	250
Local access	175

(7) Proper site lines shall be maintained at all street intersections. Clear sight triangles of seventy-five feet, 150 feet for arterial streets, measured along street centerlines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles.

(8) Right angle intersections shall be used whenever practicable. When local access streets intersect collector or arterial streets, the angle of intersection of the street center lines shall not be less than seventy-five degrees. No street shall intersect any other street at less than sixty degrees measured from the intersection of the center lines.

(9) Multiple intersections, where more than two streets meet, shall be avoided.

(10) Intersections shall be approached on all sides by leveling areas. Where the street grade exceeds seven percent (7%), such leveling areas shall have a minimum length of fifty feet measured from the intersection of the centerlines within which no grade shall exceed a maximum of four percent (4%).

(11) Alleys shall not be allowed in residential areas.

(12) Vertical curves shall be used in changes of grade exceeding one percent (1%) and shall not be less than 100 feet in length.

(Ord. 12-1982 Sec. 4.10. Passed 11-3-82.)

1334.03 EASEMENTS.

(a) Easements provided for utilities shall be at least fifteen feet wide and shall conform to State regulations for public utilities.

(b) Insofar as it is possible, easements shall be centered on or be located adjacent to rear or side lot lines.

(c) Where a plot is traversed by a watercourse, a drainage easement or right of way shall be provided and shall conform substantially to the line of such watercourse and be wide enough to preserve natural drainage and so as not to be a detriment to the area.

(Ord. 12-1982 Sec. 4.20. Passed 11-3-82.)

1334.04 BLOCKS.

(a) The length, width and shape of blocks shall be determined with due regard to: Provision of building sites suited to the specific needs of the use contemplated; requirements for convenient access, circulation and safety of street traffic; limitation and opportunities of the topography of the site; and lot sizes and lot dimensions established by the Zoning Ordinance.

(b) Block lengths shall not be less than 400 feet, nor more than 1,800 feet.

(c) Normally, blocks shall be subdivided to afford two tiers of lots. However, irregularly shaped blocks indented by cul-de-sac streets and containing interior parks shall be acceptable when covered by agreements as to maintenance of such parks, and the design of such blocks has been approved by the Planning Commission.
(Ord. 12-1982 §4.30. Passed 11-3-82.)

1334.05 LOTS.

(a) All lots shall abut by their full frontage on a public dedicated street.

(b) Reverse frontage lots and through lots shall be avoided except where they are necessary to separate residences and through traffic, or to overcome specific disadvantages of topography or orientation.

(c) Lot dimension shall conform to the requirements established by the Zoning Ordinance, and be appropriate to the topography and natural character of the land being subdivided.

(d) Side lines of lots shall, so far as is practicable, be at right angles or radial to curving street lines unless a variation of this rule would give a better street or lot plan.

(e) Corner lots shall be increased in size whenever necessary to assure that structures to be placed on them shall conform to the yard requirements of the Zoning Ordinance. (Ord. 12-1982 §4.40. Passed 11-3-82.)

1334.06 BUILDING SETBACK LINES.

(a) Minimum building setbacks to provide easements for the installation of public utilities may be established by the Planning Commission along any street even when such requirement establishes minimum yards greater than those required by the Zoning Ordinance.

(b) No buildings or other structures shall be permitted within the lines of an easement or building setback area.
(Ord. 12-1982 §4.50. Passed 11-3-82.)

(c) To the maximum extent practicable, all development along a designated image corridor, as identified in the Strategic Comprehensive Plan, shall provide site development and pedestrian access in a manner similar to the surrounding character and architectural style of neighboring buildings. The maximum setback requirement is determined by:

(1) Existing street lines shall be maintained. Maximum building setbacks are determined by the average setback of existing development within the same numerical block where the development is proposed. The calculation must incorporate development on both sides of the street excluding vacant lots and institutional and government buildings.

(2) In areas where demolition is proposed or has occurred, the setbacks of pre-existing development shall be used in the maximum setback calculation.

(3) Corner properties must take into account development on all four corners of the intersection.

(4) Developments within the Institutional and Open Space Districts are exempt from maximum building setback requirements. (Ord. 9-2000. Passed 6-6-00.)

1334.07 GRADING.

Generally existing topographic and contour features of the land shall be retained. They shall be modified only insofar as necessary to provide for protective drainage and water run-off. (Ord. 12-1982 §4.60. Passed 11-3-82.)

1334.08 FLOOD PLAIN DISTRICT REGULATIONS.

(a) Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover shall be removed, the developer shall consult the York County Conservation District Office concerning plans for erosion and sediment control and shall also obtain a report on the soil characteristics of the site so that a determination can be made by the City Engineer as to the type and degree of development that site can accommodate. At the same time a determination should be made as to whether or not any flood hazards either exist or shall be created as a result of the subdivision or development.

(b) All subdivision proposals and new development proposals either partially or completely within the Flood Plain District shall utilize natural features, such as topography, ground cover, etc., to the greatest extent possible in an effort to minimize damage due to flooding. (Ord. 12-1982 §4.70. Passed 11-3-82.)

1334.09 DEVELOPMENT GUIDELINES.

Council shall approve all plans in accordance with the procedures and requirements established by these regulations.

(a) Plan. Design of the development shall take into consideration all existing local and regional plans for the surrounding community.

(b) Historical and Architectural Value. To the maximum extent practicable, development shall preserve the historical, architectural and design character of existing and surrounding development.

(c) Scale. The height and bulk of new buildings should be related to the prevailing scale of development to avoid overwhelming or dominating existing development. New construction shall be sympathetic to the scale, form and proportion of existing development.

(d) Building Line. The existing building line at the street line shall be maintained unless a proposed setback conforms to the Zoning Ordinance or is part of a larger City development plan.

(e) Evaluation. Architectural design is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

(f) Exterior Architectural Features. To the maximum extent practicable, development shall preserve the exterior architectural features of the area and selected building features shall be suitable for the type and design of the surrounding development. Buildings shall use the same materials, or ones that are architecturally harmonious, on all building walls and other exterior building components visible from public streets.

(g) Parking Lots. Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisances, especially adjacent to residential uses. Landscaped dividing strips or similar elements shall separate sections, or adequate landscaping shall be provided along the edge of parking lots. Portions of parking areas not used for maneuvering, travel or parking shall remain in natural ground cover. (Ord. 21-98. Passed 12-1-98.)

ARTICLE 1335
Mobile Home Parks

1335.01 Mobile home parks.

CROSS REFERENCES
Zoning regulations - see P. & Z. 1304.20, 1304.21

1335.01 MOBILE HOME PARKS.

Mobile home parks shall be governed by provisions set forth in Section 1304.21 of the Zoning Ordinance and Section 424 of the BOCA Basic Building Code, 1975. Design standards not covered under either of these two sections shall be in conformance with the Subdivision and Land Development Ordinance. Where provisions of the Zoning Ordinance, BOCA Code and Subdivision and Land Development Ordinance conflict, the most restrictive regulations shall prevail. (Ord. 12-1982 §5.00. Passed 11-3-82.)

ARTICLE 1336
Required Improvements

1336.01 Monuments and markers.
1336.02 Streets.
1336.03 Curbs and sidewalks.
1336.04 Driveways and curbcuts.
1336.05 Storm drainage.
1336.06 Utilities.
1336.07 Sanitary sewers.
1336.08 Water supply and fire hydrants.
1336.09 Street trees.
1336.10 Recreation space.
1336.11 Street lighting.
1336.12 Landscaping.

CROSS REFERENCES

Improvements completion or guarantee - see Act 247 §509 (53 P.S. §10509)
Release from bond - see Act 247 §510 (53 P.S. §10510)
Remedy for completion - see Act 247 §511 (53 P.S. §10511)
Street adoption and names - see S.U. & P.S. Art. 901
Completion required for plat approval - see P. & Z. 1333.08
Release from bond - see P. & Z. 1333.09

1336.01 MONUMENTS AND MARKERS.

(a) Monuments shall be of concrete or stone with a minimum size of six inches by thirty inches, and shall be marked on top with a copper or brass dowel. Markers shall consist of iron pipes or steel bars at least fifteen inches long and not less than one-half inch in diameter.

(b) Monuments and markers shall be placed by a professional engineer or registered land surveyor so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

(c) Monuments shall be set:
- (1) At the intersection of all lines forming angles in the boundary of the development; and
- (2) At the intersection of street right-of-way lines.

(d) Markers shall be set:
- (1) At the beginning and ending of all curves along street property lines;
- (2) At all points where lot lines intersect curves, either front or rear;
- (3) At all angles in property lines of lots; and
- (4) At all lot corners.

(e) Any monuments or markers that are removed shall be replaced by a professional engineer or registered land surveyor at the expense of the person removing them.
(Ord. 12-1982 §6.00. Passed 11-3-82.)

1336.02 STREETS.

(a) Streets shall be graded to the full width of the right-of-way surfaces and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer and approved by Council.

(b) All street improvements shall be completed in strict accordance with the specifications and standards of the Engineering Department. Prior to placing the street surface, adequate subsurface drainage and all utilities under such streets shall be provided and installed by the developer.

(c) The finished elevation of all streets within flood-prone areas shall be no more than two feet below the regulatory flood elevation. The City may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights. (Ord. 12-1982 Sec. 6.10. Passed 11-3-82.)

1336.03 CURBS AND SIDEWALKS.

Curbs and sidewalks are required on both sides of all streets and shall be installed by the developer in accordance with the standards and specifications of the City Engineering Department. (Ord. 12-1982 Sec. 6.20. Passed 11-3-82.)

1336.04 DRIVEWAYS AND CURBCUTS.

Driveway entrances, aprons or curbcuts within the street right of way shall be installed in accordance with the standards and specifications for driveways, aprons and curbcuts of the Engineering Department. (Ord. 12-1982 Sec. 6.30. Passed 11-3-82.)

1336.05 STORM DRAINAGE.

(a) General Requirements. The Planning Commission shall not recommend for approval any development or any plan of subdivision which does not make adequate provisions for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system and in accordance with the standards set forth in the City's Storm Water Management and Erosion and Sedimentation Control Code, 1981. The Storm Water Management and Erosion and Sedimentation Control Plan may be submitted as part of the land development plan.

(1) Storm sewers; bond. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer prior to connection with the City's storm sewer system. A storm sewer entrance bond shall be obtained from the City Department of Public Works.

(2) Accommodation of upstream drainage area. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer for the applicant shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance and shall be reviewed and approved by the City Engineer.

(3) Flood plain districts. Special care should be taken within the Flood Plain Districts to provide for adequate drainage so as to reduce the area's susceptibility and exposure to flood hazards. The system shall provide positive drainage away from buildings.

(b) Dedication of Drainage Easements.

(1) General requirements. When a subdivision is traversed by a watercourse, drainageway, channel or stream there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse and of such width and construction on both as shall be adequate for the purpose. Wherever possible it is desirable that the drainage be maintained by open channel with landscaped banks and adequate width for maximum expected volume of flow.

(2) Drainage easements.

A. When topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right of way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access of the road. Easements shall be indicated on the plan. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

B. When a proposed drainage system shall carry water across private land outside the development, appropriate drainage rights shall be secured and indicated on the plan.

C. The applicant shall dedicate to the City, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a minimum width of fifteen feet or as determined by the City Engineer.

D. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(Ord. 12-1982 Sec. 6.40. Passed 11-3-82.)

1336.06 UTILITIES.

(a) Underground Utilities. In new residential developments, utility distribution and service facilities shall be installed underground, unless in the opinion of the Planning Commission, special conditions require otherwise. Where the Pennsylvania Public Utility Commission had adopted rules or orders covering underground installation these shall at all times apply.

(b) Flood Areas. All utility systems, including but not limited to, gas, electric, telephone and oil, within flood prone areas shall be elevated or floodproofed to a point one foot above the regulatory flood elevation.

(Ord. 12-1982 Sec. 6.50. Passed 11-3-82.)

1336.07 SANITARY SEWERS.

(a) Developer To Provide. The developer shall provide the development with a complete sanitary sewer system to be connected to the City sanitary sewer system as specified by the Sewer Department and the City Engineer. All plans for the sanitary sewer system shall be prepared by the developer in accordance with standards and specifications of the Engineering Department approved by the Engineering Department and the Pennsylvania Department of Environmental Resources.

(b) Flood Areas. All new or replacement sanitary sewer systems within the flood prone areas shall be floodproofed up to a point one foot above the regulatory flood elevation to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. (Ord. 12-1982 §6.60. Passed 11-3-82.)

1336.08 WATER SUPPLY AND FIRE HYDRANTS.

(a) A water distribution system shall be installed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle Department Association of Fire Underwriters and City standards.

(b) All new or replacement water supply systems within the flood prone areas shall be floodproofed to a point one foot above the regulatory flood elevation to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(c) Access to fire hydrants shall be required for all developments. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the City Engineer and Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the development plan. (Ord. 12-1982 §6.70. Passed 11-3-82.)

(d) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to Council that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
(Ord. 19-1991 §12. Passed 7-2-91.)

1336.09 STREET TREES.

(a) Tree Installation. The planting of street trees is mandatory. Shade trees shall be installed on both sides of all streets in accordance with the land development plan.

(b) Tree Type. The minimum diameter shall be two inches measured twelve inches above ground level and shall be of a type suitable to the urban environment. Trees approved for planting are as follows:

(1) Washington Hawthorne.
(2) Bradford Pear.
(3) Columnar Norway Maple.
(4) Greenspire Linden.
(5) Marshall Seedless Ash.
(6) Little Leaf European Linden.
(7) Ginkgo (male).
(8) Zelkova.

(c) Alternative Species. Alternative species may be planted with the approval of the City Forester.

(d) Tree Placement. Trees shall be evenly spaced along streets with space intervals of forty feet on average. The trees shall be planted so as to not interfere with utilities, roadways, sidewalk placement, sight distance triangles or streetlights.

(e) Plan Approval. Tree location, landscaping design, and tree spacing shall be approved by the Planning Commission as part of the landscape and/or land development plan. (Ord. 21-98. Passed 12-1-98.)

1336.10 RECREATION SPACE.

(a) In the case of a residential development, adequate recreational space shall be included as part of the development plans as follows unless specifically indicated otherwise by the Planning Commission or a formally adopted recreational plan:

Dwelling Units	Minimum Acres Required
1 - 5	None
6 - 12	1/4
13 - 50	1
51 - 100	4

(Ord. 19-1991 §13. Passed 7-2-91.)

(b) Where a proposed park, playground, open space or other local or neighborhood recreation site is shown on the Comprehensive Plan or where the City considers that a local recreation site is necessary to carry out the purpose of this Subdivision and Land Development Ordinance, the City may require the dedication of all or a portion of such site in accordance with the above standard.
(Ord. 12-1982 §6.90. Passed 11-3-82.)

(c) Where the application of these standards would result in an open space or recreation site too small to be usable, or if the Comprehensive Plan calls for such local recreation site to be located elsewhere or if a suitable site cannot be properly located in the land development, as determined by the City, a payment of a fee in lieu of dedication of such land is required. The following procedure shall be followed:

(1) The amount of the fee shall be determined by City resolution on a lot or dwelling unit basis shown on the final plan.
(2) The fee shall be paid to the City prior to the approval of the final plan.
(3) The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.
(4) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.

(5) A fee authorized under this subsection shall, upon its receipt by the City, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

(6) Upon request of any person who paid any fee under this subsection, the City shall refund such fee, plus interest accumulated thereon from the date of payment, if the City had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid. (Ord. 19-1991 §13. Passed 7-2-91.)

(d) In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, Council may permit a private site to be used if:

(1) In its judgment the purposes of these regulations regarding recreation and park sites shall be accomplished; and

(2) The private use is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions. (Ord. 12-1982 §6.90. Passed 11-3-82.)

1336.11 STREET LIGHTING.

(a) Light Standards. The installation of street lighting is the responsibility of the developer. In conjunction with the electric utility company, the developer shall select lighting standards and fixtures which maintain the following minimum lighting standards:

Type of Area	Foot Candle Average
Residential	.5
Industrial and/or commercial	.9 ½
Shopping areas and centers	5 - 10

(b) Height. All lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements.

Location	Minimum Feet Above Grade
Pedestrian walkways	12
Parking lots	15
Streets	25

(c) Glare. The shielding of lighting standards shall provide proper lighting without hazards for drivers or nuisances to residents. All site and parking lot lighting shall be directed on-site.

(d) Design. The design of lighting standards shall be of a type appropriate to the development.

(e) Electrical Feeds. Electrical feeds for lighting shall be run underground, not overhead.

(f) Planning Commission Review. These standards shall be the minimum standards unless the Planning Commission review determines otherwise.
(Ord. 21-98. Passed 12-1-98.)

1336.12 LANDSCAPING.

Landscaping shall be provided as part of the site plan and land development design.

(a) Location. Reasonable landscaping shall be provided at site entrances, in public areas, and adjacent to buildings. The plant material that best serves the intended function shall be selected for the local environment.

(b) Plant Materials. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals and other material such as rocks, walls, fences and street furniture. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping.

(c) Landscaping Plan. If landscaping is provided, a landscaping plan must be prepared. Such landscape plans shall include:

(1) Location. The plan shall identify existing and proposed trees, shrubs and ground covers, and other landscaping elements showing where proposed and existing plant material will be located.

(2) List. All plans shall be accompanied by a list of proposed plants and trees including the number, height, or caliper size, common and/or botanical name.

(3) Existing Plants. Existing plantings shall be identified by name, quantity and size on the site plan to indicate which plant material will be retained.

(d) Protection of Existing Plantings. Maximum efforts should be made to save fine specimens.
(Ord. 21-98. Passed 12-1-98.)

ARTICLE 1337
Administration

1337.01 Modifications.
1337.02 Records.
1337.03 Amendments.
1337.035 Publication, advertisement and availability of ordinance.
1337.04 Validity.
1337.05 Inspections.
1337.06 Fees.
1337.07 Appeals.
1337.08 Disclaimer of liability.
1337.09 Repealer.
1337.10 Interpretation.
1337.97 Preventive remedies.
1337.98 Jurisdiction.
1337.99 Enforcement remedies.

CROSS REFERENCES

Amendments to subdivision ordinance - see Act 247 §505 (53 P.S. §10505)
Penalty - see Act 247 §515 (53 P.S. §10515)

1337.01 MODIFICATIONS.

(a) The provisions of these regulations are the minimum standards for the protection of the public welfare. The Planning Commission may make recommendations to Council to modify or to extend them as may be necessary in the public interest.
(Ord. 12-1982 §7.00. Passed 11-3-82.)

(b) Council may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

(c) All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

(d) Request for modifications shall be referred to the Planning Commission for advisory comments. When reviewing requests for modifications, the Commission shall consider whether literal compliance with the requirements of the provisions of this ordinance are unreasonable, cause undue hardship or whether an alternative standard can be demonstrated to provide equal or better results.

(e) Council shall keep a written record of all actions on requests for modifications. (Ord. 19-1991 §14. Passed 7-2-91.)

1337.02 RECORDS.

The Planning Commission and Council shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions and recommendations in relation thereto. (Ord. 12-1982 §7.10. Passed 11-3-82.)

1337.03 AMENDMENTS.

The Planning Commission and the public may, from time to time, recommend to Council the need to amend these regulations.

(a) Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this section. In addition, in case of an amendment other than that prepared by the Planning Commission, Council shall submit each such amendment to the Commission for recommendations at least thirty days prior to the date fixed for the public hearing on such proposed amendment. At least thirty days prior to the hearing on the amendment, the City shall submit the proposed amendment to the County Planning Commission for recommendations.

(b) Within thirty days after adoption, Council shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the County Planning Commission.

(Ord. 19-1991 §15. Passed 7-2-91.)

1337.035 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE.

(a) Proposed Subdivision and Land Development amendments shall not be enacted unless notice of proposed enactment is given. Such notice shall include the time and place of the meeting at which passage shall be considered, a reference to a place within the City where copies of the proposed amendments may be examined without charge or obtained for a charge not greater than the cost thereof. Council shall publish the proposed amendments once in one newspaper of general circulation in the City not more than sixty days nor less than seven days prior to passage. Publication of the proposed amendments shall include either the full text thereof or the title and a brief summary, prepared by the City Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the City at the time the public notice is published.

(2) An attested copy of the proposed ordinance shall be filed in the county law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing such ordinance.

(b) In the event substantial amendments are made in the proposed amendments, before voting upon enactment, Council shall, at least ten days prior to enactment readvertise, in one newspaper of general circulation in the City, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(c) Subdivision and Land Development Ordinances and amendments shall be incorporated into the official ordinance books by reference with the same force and effect as if duly recorded therein. (Ord. 19-1991 §16. Passed 7-2-91.)

1337.04 VALIDITY.

Should any section or provision of these regulations be declared unconstitutional or invalid, such decision shall not affect the validity of any other section or provisions of these regulations than the one so declared. (Ord. 12-1982 Sec. 7.30. Passed 11-3-82.)

1337.05 INSPECTIONS.

Recommended improvements shall be inspected by the City Engineer to determine if they meet or conform to approved plans. If so, the City Engineer shall certify that improvements have been completed in accordance with Section 1333.09.
(Ord. 12-1982 Sec. 7.40. Passed 11-3-82.)

1337.06 FEES.

(a) Council, shall, by resolution, create a schedule of fees to be paid by the applicant at the time of plan submission to defray the cost of administering and processing the plans.

(b) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the City that such fees are disputed, in which case the City shall not delay or disapprove a Subdivision or Land Development application due to the applicant's request over disputed fees.

(c) In the event that the City and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the City shall follow the procedure for dispute resolution set forth in Section 1333.09.
(Ord. 19-1991 §17. Passed 7-2-91.)

1337.07 APPEALS.

The procedures for appealing any ordinance, provision, decision or determination are set forth in Article X of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended. (Ord. 12-1982 Sec. 7.65. Passed 11-3-82.)

1337.08 DISCLAIMER OF LIABILITY

(a) Flood Liability. The degree of flood protection sought by the provisions of this Subdivision and Land Development Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain, or that land uses permitted within such areas shall be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages which result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(b) Municipal Liability. The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee or warranty of any kind by the City or by any officials or employee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.
(Ord. 12-1982 Sec. 7.70. Passed 11-3-82.)

1337.09 REPEALER.

All ordinances or portion of ordinances in conflict herewith are hereby repealed.
(Ord. 12-1982 Sec. 7.80. Passed 11-3-82.)

1337.10 INTERPRETATION.

The provisions of this Subdivision and Land Development Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail. (Ord. 12-1982 Sec. 7.90. Passed 11-3-82.)

1337.97 PREVENTIVE REMEDIES.

(a) In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

(b) The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:

(l) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(c) As any additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property. (Ord. 19- 1991 §18. Passed 7-2-91.)

1337.98 JURISDICTION.

District Justices shall have initial jurisdiction in proceedings brought under Section 1333.16. (Ord. 19-1991 §19. Passed 7-2-91.)

1337.99 ENFORCEMENT REMEDIES.

Any person, partnership or corporation who or which has violated the provisions of any Subdivision or Land Development Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section. (Ord. 19-1991 §20. Passed 7-2-91.)

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Art. 1351. Short Title and Purpose.
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ARTICLE 1351
Short Title and Purpose

1351.01 Short Title.
1351.02 Statement of intent and authority.
1351.03 Purposes.

CROSS REFERENCES

Purposes - see Act 247 Sec. 701 (53 P.S. Sec. 10701)
Grant of power - see Act 247 Sec. 702 (53 P.S. Sec. 10702)

1351.01 SHORT TITLE.

Articles 1351 through 1355 shall be known and may be cited as the "City of York's Planned Residential Development Ordinance of 1982."
(Ord. 13-1982 Sec. 1.00. Passed 11-3-82.)

1351.02 STATEMENT OF INTENT AND AUTHORITY.

Council proposes to establish qualifications, procedures and standards for planned residential developments. Therefore, under and by virtue of the authority granted under Article VII of the Pennsylvania Municipalities Plan Code, Act 247 of July 31, 1968, as amended, Council does hereby enact this Planned Residential Development Ordinance.
(Ord. 13-1982 Sec. 1.10. Passed 11-3-82.)

1351.03 PURPOSES.

The purpose of this Planned Residential Development Ordinance is to:

(a) Insure that the provisions of the City Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of such Zoning Ordinance;

(b) Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety of type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to such dwellings;

(c) Provide greater opportunities for better housing and recreation for all who are or shall be residents of the City;

(d) Encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may enure to the benefit of those who need homes; and

(e) In aid of these purposes, provide a procedure which can relate the type, design and layout of residential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to ensure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures. (Ord. 13-1982 Sec. 1.20. Passed 11-3-82.)

ARTICLE 1352
Definitions

1352.01 Language interpretation. 1352.02 Definitions

CROSS REFERENCES
Zoning definitions - see P.& Z. Art. 1301
Subdivision and land development ordinance - see P.& Z. Art. 1332
Storm water management and erosion and sedimentation control definitions - see Art. 1372

1352.01 LANGUAGE INTERPRETATION.

For the purpose of this Planned Residential Development Ordinance, certain words shall have the following interpretations assigned to them:

(a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.

(b) The word "shall" is always mandatory.

(Ord. 13-1982 Sec. 2.00. Passed 11-3-82.)

1352.02 DEFINITIONS.

(a) As used in this Planned Residential Development Ordinance, the following words and phrases shall have the meaning indicated below:

(1) "Applicant" means a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

(2) "Building area" means the floor area at ground level of all buildings occupying space within the residential land area. Included for the purposes of this definition are enclosed storage facilities, enclosed trash/garbage storage areas, garages, carports, covered porches, breezeways, etc.

(3) "Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities.

(4) "Comprehensive Plan" means the Comprehensive Plan for the City of York.

(5) "Density, gross" means the density calculated by dividing the total number of dwelling units by the gross site area in acres. This density is illustrative only, net density is controlling.

(6) "Density, net" means the density in the residential land area portion of the site. Net density is calculated by dividing the total number of units by the net site area in acres. This density controls actual site capacity.
(7) "Developer" means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made an application for approval of a development plan.
(8) "Development plan" means the provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Planned Residential Development Ordinance means the written and graphic materials referred to in this definition.
(9) "Dwelling unit/single family detached" means single family residence that may be on an individual lot with private yards on all four sides of the house.
(10) "Dwelling unit/single family detached-lot line" means a single family residence on an individual lot, of which one side of the building is set on a side property line. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction. Windows on the lot line side of the dwelling are prohibited.
(11) "Dwelling unit/duplex" means a single family semi-detached dwelling unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.
(12) "Dwelling unit/multiplex" means an attached dwelling that may be single family or multi-family. All units may have independent outside access but this is not necessary.
(13) "Dwelling unit/townhouse" means a single family attached dwelling with one dwelling unit from ground to floor, having individual outside access. A townhouse may either have two common walls or one common wall depending upon its location in a row of townhouses.
(14) "Dwelling unit/garden apartment" means multi-family buildings where individual units share a common outside access.
(15) "Apartment/mid-rise" means multi-family buildings where there are up to nine separate floors where each individual unit shares a common outside access.
(16) "Gross site area" means all land area within the site as defined in the deed.
(17) "Floor area" means the sum of the areas on all floors of the building or structure, including areas used for human occupancy as measured from the exterior faces of the walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies and below grade floor areas, but excluding open terraces, patios, atriums, balconies, carports, garages, breezeways and tool sheds.
(18) "Maximum floor area" means the maximum floor area allowed by multiplying the floor area ratio times the gross site area. In cases where there is unusable land, this shall be deducted from the gross site area. The maximum floor area shall then be based upon the floor area ratio times the net site area.

(19) "Floor area ratio" means the maximum permitted floor area divided by gross site area.

(20) "Impervious surface, maximum" means the maximum amount of impervious surfaces that do not absorb precipitation. All parking lots, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the City Engineer to be impervious within the meaning of this definition shall also be classed as impervious surfaces. All buildings, principal and accessory, are specifically excluded from this definition.

(21) "Impervious surface ratio" means a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the gross site area.

(22) "Landowner" means the legal or beneficial owner or owners of land, the holder of an option or contract to purchase whether or not any such option or contract is subject to any conditions, a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land.

(23) "Land use intensity ratios" means a rating correlating land area, floor area, open space, parking requirements and types of structures into a range of densities. The floor area ratios, impervious surface and open space are based on land area, and the car ratios on the number of dwelling units.

(24) "Net site area" means that portion of land area which remains after unusable land is subtracted from the gross site area.

(25) "Nonresidential land" means land used for open space, recreation and parking.

(26) "Occupant car space" means that part of land allocated for parking spaces for residents.

(27) "Occupant car ratio" means the minimum number of parking spaces required for the occupants of the planned residential development for each dwelling unit.

(28) "Open space, minimum" means the minimum amount of open space required by multiplying the open space ratio times the gross site area.

(29) "Open space ratio" means the minimum permitted open space divided by gross site area.

(30) "Planned residential development" means a contiguous area of land with or without existing structures controlled by a landowner to be developed or rehabilitated as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created from time to time under the provisions of the Zoning Ordinance.

(31) "Plot" means the map or plan of a land development and/or redevelopment whether tentative or final.

(32) “Residential land area” means the area within the project's gross site area, excluding unusable land and nonresidential land.

(33) "Residential conversion" means the conversion of an industrial, commercial or institutional building from its original functional use to residential dwellings. Included in this definition are vacant residential units provided that the developer has within his control the entire block of houses.

(34) "Section" means a geographical area or tract which is part of a proposed planned residential development which shall be developed according to a timetable for development over a period of years included by the applicant in the development plan.
(35) "Stage" means a section or sections of which an applicant proposed to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.
(36) "Total car ratio" means the minimum number of parking spaces required for occupants and visitors for each dwelling unit.
(37) "Total car space" means that part of land allocated for parking spaces for residents and visitors.
(38) "Unusable land" means land not beneficial to residential use due to location or character such as drainage ditches, steep slopes, dense woods, sidewalks and utility strips when their presence renders the land unusable for residential use. Active recreational areas shall not be included for purposes of this definition.
(Ord. 13-1982 Sec. 2.10. Passed 11-3-82; Ord. 28-1982 Sec. 2 and 3. Passed 12- 21- 82.)

ARTICLE 1353
Eligibility and Design Standards

1353.01 Eligibility. 1353.02 Development standards.

CROSS REFERENCES
Standards and conditions - see Act 247 Sec. 705
(53 P.S. Sec. 10705)
Normal district regulations - see P. & Z. Art. 1302

1353.01 ELIGIBILITY.

No application for tentative approval of a planned residential development shall be considered or approved unless the following conditions are met:

(a) The development consists of a contiguous land area of at least two acres, except for residential conversions where no minimum size is required;

(b) The development shall be served by the City's water supply and sewage disposal systems, which shall be constructed at the time construction of the structures in the development begins; and

(c) The proposed development is found to be generally consistent with the Comprehensive Plan and Land Use Plan for the City.
(Ord. 13-1982 Sec. 3.00. Passed 11-3-82.)

1353.02 DEVELOPMENT STANDARDS.

(a) Permitted Uses. A planned residential development may include uses such as single family detached dwelling units, semi-detached and attached dwelling units, garden apartments and mid-rise apartments, and to the extent they are designed and intended primarily to serve residents of the planned residential development, noncommercial recreational facilities such as parks, playgrounds, tot lots, community centers, tennis courts, swimming pools, game rooms, etc.

(b) Land Use Intensity Standards and Related Requirements.

(1) Land use intensity standards. For purposes of regulating development of vacant land or vacant buildings in RS2, RM1, RM2, CBD, CW, IL and IH Districts, land use intensity standards have been established for density, floor area, open space, building coverage, impervious surfaces and parking.

TABLE 1

Standards	RS2	RM1	RM2	CBD	CW	IL	IH
Net density (maximum)							
Without bonus	15	22	11	70	60	11	70
With bonus	22	27	15	80	70	15	80
Floor area ratio	.60	.75	.55	(*)	(*)	.55	(*)
Open space ratio	.40	.35	.50	.05	.5	.50	.05
Building coverage ratio	.40	.45	.25	.65	.65	.65	.65
Impervious surface ratio	.20	.20	.25	.30	.30	.25	.30
Occupant car space	2.0	1.5	2.5	1.0	1.5	2.5	1.0

(*) The floor area ratio for residential conversions varies according to the number of floors in the building proposed for residential conversion. A five story building would have a floor area ratio of 5:1; a four story building 4:1, etc.

(2) Bonus density. A bonus density of up to fifteen percent (15%) over and above the total allowable floor area may be achieved by meeting specific criteria beyond the basic performance standards. The various bonuses are cumulative. The higher densities may be allowed only in accordance with the bonus provisions contained in this section. In no event shall the average net residential density for planned residential developments exceed the net density with bonus provisions as set forth in the preceding table.

A. Ownership. Where the developer provides for individual ownership of dwelling units through acquisition or condominium agreement, a bonus shall be awarded in accordance with the following:

Dwelling Units Proposed for Individual Ownership (Percent)	Bonus (Percent)
100	15
75	10
50	5

B. Landscaping. Where the developer employs four or more of the following site design details a bonus of five percent (5%) shall be provided:

1. Paving materials. Sidewalks shall be of concrete with a two foot brick band running the entire length of the walkway.
2. Focus areas. The ground area of passive areas that are designed for group sitting shall be concrete and finished as either rough or smooth with aggregates exposed when desirable.

3. Lighting. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

Location	Minimum Feet Above Grade
Pedestrian Walkways	12
Parking Lots	15
Streets	25

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

Location	Residential Uses (Foot Candles)
Roadways	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
Pedestrian areas	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

4. Benches. There shall be one bench for every five dwelling units planned. Bench construction shall be as follows:
   a. Along local walkways or paths and in focus areas wooden benches with backs shall be appropriately placed.
   b. Within focus areas, concrete benches without backs can be provided if integrated as tree planters, retaining walls or as other uses.
5. Trees. Along sidewalks or paths that do not run along streets, trees shall be planted every fifty feet within the brick band. Trees approved for planting within the open space areas are as follows:

Evergreen	Deciduous
Oriental spruce	Sugar maple
Douglas fir	White oak
	English elm
	Golden weeping willow

6. Terrain features. Natural or manmade terrain features shall be used to reinforce focus areas, provide direction or enclosure, or be used in combination with vegetative screening.

C. Bedroom mix. A mix of dwelling units with regard to a number of bedrooms is desirable to promote a balanced community. Although one of the advantages to a planned residential development is the potential for mix, it is not required. A bonus of

five percent (5%) is therefore provided when a developer within his development plan provides for any of the following bedroom mixes:

Percentage of Units		
1 Bedroom	2 Bedroom	3 Bedroom and More
50	25	25
25	50	25
25	25	50

(c) Design, Bulk and Location Standards.

(1) Site design.

A. All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of available sunlight on the physical layout and form of the proposed buildings shall be taken into account.

B. All housing shall be sited in order to maximize external as well as internal view orientation in order to create opportunities for privacy as well as to ensure natural light for all principal rooms.

C. Variations in setbacks shall be provided where necessary in order to create exterior identity and privacy.

(2) Tree conservation.

A. Where existing trees are located in a development plan, they shall be preserved wherever possible. The protection of trees shall be an important consideration in determining the location of open space, buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.

B. Street trees approved for planting are as follows: Washington Hawthorne, Bradford Pear, Norway Maple, Greenspire Linden and Marshall Seedless Ash. Alternative species may be planted with the approval of the City Parks Coordinator. When sidewalks follow a street, the trees shall be placed between the curb line and the sidewalk at intervals to average forty feet.

(3) Streets.

A. The street system shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas. There are several aspects which may lead to the varying of size or design of specific streets:

1. Local access streets. Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be twenty-two feet. Where local access streets are twenty-two feet, no on-street parking shall be permitted. (See Section 1334.02 for normal standards).

2. Collector streets. Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be thirty feet. Where collector streets are thirty feet, no on-street parking shall be permitted. (See Section 1334.02 for normal standards).

3. Rights of way. Where sidewalks do not run along the streets or where utilities are located outside of the right of way, the right of way may be reduced in width with the approval of the City Engineer.

B. In developed urban areas of the City, width of alleys as secondary access streets may be twenty feet for two way traffic and sixteen feet for one way traffic.

(4) Sidewalks.

A. The separation of sidewalks and streets may be accomplished where deemed appropriate. One or both sidewalks within street rights of way may be eliminated when it is shown that other functional pedestrian walkways are provided.

B. Sidewalks shall be of all-weather construction and capable of being easily cleared of snow and debris.

C. In order to achieve reasonable pedestrian access for each residence three different sidewalks should be distinguished for use where applicable:

1. Walkways within the residential properties to provide access to parking and refuse disposal;
2. Local paths or sidewalks connecting dwelling units and serving immediate common services such as informal meeting places, tot lots, etc; and
3. Walkways connecting residents with commercial and community facilities, schools and larger public recreational facilities.

D. Sidewalks that are used as common area paths shall be four feet in width. Where substantial bicycle traffic is anticipated, a bicycle lane shall be incorporated in the walkway system; such a combined system shall be at least six feet in width.

E. Curb cuts should be provided for users of wheel chairs, wagons, tricycles and bicycles.

F. Street crossings should occur at intersections, however, if the design of the street and/or location of pedestrian paths dictate the use of mid-intersection crossings, this may be done.

(5) Parking.

A. All residential occupant and seventy-five percent (75%) of visitor parking shall be off-street. Remaining required space may be on-street. Spaces shall measure nine feet by eighteen feet each with aisles at least eighteen feet wide for one-way directional traffic and twenty-two feet wide for two-way traffic.

B. Parking in front yards is permissible only when the design of the street indicates there shall be no through traffic. Where garages are placed in the front yard, these shall not be required to meet the minimum setback, although adequate visibility shall be provided for safe backing onto the street.

C. Only visitor parking may overflow onto the street and only to the extent that it does not hinder traffic flow or sight distances for cars and pedestrians crossing the street.

D. All other requirements concerning the design and number of parking spaces shall be governed by Sections 1309.08 and 1309.09.

(6) Lighting.

A. All off-street parking shall have lights that are adequate for night time use as well as be arranged so as to direct light away from adjoining residences.

B. All sidewalks and paths shall be lighted adequately.

C. All streets and areas of high pedestrian use shall be adequately lighted.

D. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

Locations Minimum	Feet Above Grade
Pedestrian walkways	12
Parking lots	15
Streets	25

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however, lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

Location	Residential Uses (Foot candles)
Roadways	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
Pedestrian Areas	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

E. All exterior lights shall be of the sodium type as opposed to the mercury vapor type.

(7) Underground utilities. Electric, cable television and telephone lines shall be placed underground in accordance with P.U.C. and utility company regulations.

(8) Storm water and erosion control. The development shall conform to the requirements of the City's Storm Water Management and Erosion and Sedimentation Control Code of 1981.

(9) Open space. The development plan shall designate the use of open space and a planting plan or schedule. In designating use, the following classes shall be used:

A. "Lawn" means a grass area with or without trees which shall be used by the residents for a variety of purposes.

B. "Natural Area" means an area of natural vegetation which may or may not include unusable land; such areas may contain walkways.

C. "Recreation Area" means an area designated for a specific recreation use including but not limited to tennis, swimming, shuffle board, playfields and tot lots.

(10) Tot lots. The following number of tot lots shall be provided according to the number of two or three bedroom units provided in a development plan. Dwelling units designed as an adult community or elderly oriented shall be exempted from this requirement, however, focus areas as described in subsection (b)(12)B.2. hereof are required.

Dwelling Units	Number of Tot Lots	Minimum Area Per Tot Lot (Square Feet)
1 - 15	1	3000
16 - 30	2	3000
31 - 60	4	3000
61 - 90	6	3000

Tot areas in a development plan above ninety units shall be provided in the same proportional standards listed above. Tot areas shall have an array of equipment that shall encourage a child's perceptual and motor development through offering a wide variety of play opportunities. All ground surfaces of tot lots shall be of resilient surfacing materials such as tanbark, wood chips or shredded tires. Types of equipment to be included are appropriately sized swings for tots, spring animals, climbers, timberforms, low slides, etc.

(11) Neighborhood park. There shall be one neighborhood park provided in a development plan. The size of such park shall be regulated by Section 1336.10. For a development plan that provides for elderly units, the required neighborhood park is waived.

(12) Shelters. There shall be one pavilion for each neighborhood park indicated in the development plan. In addition, one bus shelter shall be provided for public transit riders when it is determined that the development is within the service area of the public transit system.

(13) Building types. Any of the following building types that may be proposed in a development plan shall be restricted to certain districts as indicated in Table II.

TABLE II

	Zoning Districts Permitted In						
Building Types	RS2	RM2	RM1	CBD	CW	IL	IH
Single-family detached	X	X				X	
Single-family detached - lot line	X	X				X	
Single-family duplex X	X	X			X		
Multi-plex (single-family or multi-family)	X	X	X			X	
Single-family townhouse	X	X	X		X	X	
Garden apartment		X	X	X	X	X	
Mid-rise 1-9 floors				X	X		
Residential conversions			X	X	X		X

(14) Building spacing requirement. The following spacing requirements are intended to prevent monotony in development and apply to any of the types of units that may be proposed in a development plan:

TABLE III

Building Types	Minimum Distance Between Structures (Feet)	Additional Requirements
Single-family detached	30	An easement for maintenance on the adjoining lots is required. Windows on the lot line side of the dwelling are prohibited.
Single-family detached - lot line	30	
Single-family duplex	20	No more than five units shall be attached in any group and groups shall average four units per structure.
Multi-plex (single-family or multi-family)	25	
Single-family townhouse	30	Rows of attached dwelling units shall not exceed eight units.
Garden apartments	50	Not less than three units and no more than sixteen dwelling units in a single structure.
Mid-rise	150	
Residential conversions	None	None

(15) Lot area requirements. Lot area requirements in all planned residential development applicable districts are waived for the purposes of this Planned Residential Development Ordinance.

(16) Setback from streets. The following setback from the street line apply to the districts in which any of the building types are proposed in a development plan:

TABLE IV

Zoning Districts (feet)

Building Types	RS2	RM2	RM1	CBD	CW	IL
Single - family detached						
Front	25	30	NA	NA	NA	30
Side	15	15	NA	NA	NA	15
Rear	0	0	NA	NA	NA	0
Single-family detached-lot line						
Front	25	25	NA	NA	NA	25
Side	0	0	NA	NA	NA	0
Rear	0	0	NA	NA	NA	0
Duplex						
Front	25	20	0	NA	NA	20
Side	20	20	29	NA	NA	20
Rear	0	0	0	NA	NA	0
Multi-plex						
Front	25	25	0 or 10	NA	0 or 10	25
Side	20	20	20	NA	20	20
Rear	0	0	0	NA	0	0
Townhouses						
Front	25	25	NA	NA	NA	25
Side	30	30	NA	NA	NA	30
Rear	0	0	NA	NA	NA	0
Garden apartments						
Front	NA	50	50	50	50	50
Side	NA	50	50	50	50	50
Rear	NA	0	0	0	0	0
Mid-rise						
Front	NA	NA	NA	75	75	NA
Side	NA	NA	NA	150	150	NA
Rear	NA	NA	NA	0	0	NA
Residential conversions - None						

NA means not applicable.

(17) Setback from parking areas. The following setbacks from parking areas apply to the district in which any of the building types are proposed in a development plan.

TABLE V

Building Types	Minimum Distance from Parking Area (Feet)
Multi-plex	20
Townhouses	20
Garden apartments	30
Mid-rise	30
Residential conversions	10

(18) Heights. Structures may be erected to the following maximum heights:

Building Type	Height of Structures (Feet)
Single-family detached	30
Single-family detached-lot line	30
Single-family duplex	25
Multi-plex (single-family or multi-family)	25
Single-family townhouse	30
Garden apartment	50
Mid-rise	90
Residential conversions	None

(19) Screening. Appropriate yards, fences or vegetative screening shall be provided in the planned residential development perimeter where needed to protect residents from undesirable views, lighting, noise or other off site influences, or to protect adjacent residential occupants of a neighborhood or general area from similar adverse effects.

(20) Planned residential development residential conversions. Within vacant buildings to which this Ordinance is applicable, the minimum following habitable floor area per dwelling unit shall apply:

Bedrooms per DwellingUnit	Minimum Floor Area (Square Feet)
1	400
2	550
3 or more	700

(21) Private outdoor livability space. Each dwelling unit may have private outdoor living space which can be defined visually through the use of deciduous shade or evergreen screen trees, screen L-shaped sections of fence or through other landscaping elements. In the case where a development plan provides for garden apartments, balconies may be used to serve this purpose.

(22) Landscaping, screen plantings and vegetation. Landscaping elements may include street or open space trees, screen plantings, shrubs, lawns, ornamental plantings or screen fences. These shall be utilized to the greatest extent possible in order to ensure and create privacy, while at the same time provide each dwelling unit's occupant freedom from the visual or noise intrusion of neighborhood dwelling units or areas.

(23) Relationship between Planned Residential Development, Zoning and Subdivision Ordinances. All additional requirements not specifically mentioned in this Ordinance shall be regulated by the City's Zoning Ordinance and Subdivision and Land Development Ordinance.

(d) Public Interest. In the case where the development standards of this Ordinance do not protect the public interests with regard to health, safety and welfare, Council shall impose additional standards upon the developer to insure compliance with the intent of this Ordinance as to correct inadequacies found herein.

(e) Development in Stages. A developer may construct a planned residential development in stages if the following criteria are met:

(1) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.

(2) At least twenty-five percent (25%) of the dwelling units in the plan given tentative approval are included in the first stage.

(3) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than twenty-five percent (25%) of the total dwelling units receiving tentative approval.

(f) Standards for Location and Management of Open Space.

(1) The open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. Where possible, it shall be designed as a contiguous area and be as close to all residences as possible, with green ways leading to recreation areas.

(2) Any of the following methods shall be used to preserve, own or maintain open space: Condominium, homeowner's association, dedication in fee or the retention of responsibility for maintaining the open space by the developer.

(3) The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of July 1980. All open space land shall be held as "common element." Such land shall not be eligible for sale to another part except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.

(4) If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:

A. The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.

B. Membership in the organization is mandatory for all landowners and purchasers of homes therein and their successors.

C. The organization shall be responsible for the maintenance of and insurance and taxes on common open space.

D. The members of the organization shall share equitably the costs of maintaining and developing common open space in accordance with procedures established by them.

E. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

F. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan the City may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and such notice shall include a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of or hearing thereon which shall be held within fourteen days of the notice. At such hearing the City may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within such thirty days or any extension thereof, the City, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of such year, the City shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the development, to be held by the City, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the City shall not, at the election of the City continue for a succeeding year. If the City shall determine that such organization is ready and able to maintain such common open space in reasonable condition, the City shall cease to maintain such common open space at the end of such year. If the City shall determine such organization is not ready and able to maintain such common open space in a reasonable condition, the City may, in its discretion, continue to maintain such common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the City in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the City shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a tax lien on such properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when such mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to such foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on the property subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The City, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of York County, upon the properties affected by such lien within the development.

(5) In accordance with Section 706 of Act 247, the provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space; and the intensity of use or the density of residential units, shall run in favor of the City and shall be enforceable in law or equity by the City without limitation on any powers of regulation otherwise granted the City by law. The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by residents of the development and the manner in which such residents may modify or release such rights.

(6) The City may, but shall not be required to, accept any portion or portions of the common open space, as provided; such land is freely accessible to the public; there is not a cost involved; and the City agrees to and has access to maintain such lands.

(7) The final form of preservation of common open space available is the developer's option to retain ownership and maintain such open space. (Ord. 13-1982 Sec. 3.10. Passed 11-3-82; Ord. 28-1982 Sec. 4 to 9. Passed 12- 21- 82.)

ARTICLE 1354
Procedures

1354.01 Approval process.
1354.02 Application for tentative approval.
1354.03 Public hearings.
1354.04 The findings.
1354.05 Status of plan after tentative approval.
1354.06 Application for final approval.

CROSS REFERENCES

Plan enforcement and modifications - see Act 247 Sec. 706 (53 P.S. Sec. 10706)
State law provisions - see Act 247 Sec. 707 et seq. (53 P. S. Sec. 10707 et seq.)
Administration and review - see P. & Z. 1355.01

1354.01 APPROVAL PROCESS.

Pursuant to Article VII of the Municipalities Planning Code, Act 247 the following constitutes the process for approval of a planned residential development:

(a) The Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan.

(b) The York County Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan. The County shall have thirty days after receipt of such plan to review and report to the City or forfeit the right of review. The County review is not binding on the City or the developer.

(c) Council, within sixty days after the filing of an application for tentative approval of a planned residential development, shall hold a public hearing. Thirty days after the conclusion of the public hearing, the landowner shall be notified of the outcome concerning the tentative development plan.

(d) If tentative approval without conditions is received, Council may grant final approval thirty days after the final development plan has been filed. (Ord. 13-1982 Sec. 4.00. Passed 11-3-82.)

1354.02 APPLICATION FOR TENTATIVE APPROVAL.

(a) Pre-application Conference. Each prospective applicant shall confer with the staff of the Planning Commission and interested department heads prior to the preparation of a tentative application. It shall be the responsibility of the Commission staff to contact and invite department heads to a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans and other pertinent base site information are to be considered before submission of a tentative application. The proposal shall be reviewed by the staff of the Commission with regards to the community development objectives of the City's Comprehensive Plan and the policies and procedures of the Commission. Thereafter, the Commission staff shall furnish the applicant with its written comments regarding such pre-application conference.

(b) Formal Application and Fee. A formal application accompanied by a fee established by resolution by Council shall be submitted to the Commission staff along with written statements and site plans, drawings, maps and sketches that make up a tentative development plan. The submission shall be reviewed and recommended upon by the Commission staff and formal review by the Commission shall follow.

(c) Design Standards Compliance. The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development in Article 1353 and where necessary the City shall order such documentation to aid them in their review.

(d) Documentation Required. Required documentation shall include, but not be limited to documents illustrating the following:

(1) A legal description of the total site proposed for development including a statement of present and proposed ownership and present and proposed zoning. Names and addresses of all owners of adjacent property shall be submitted as well;

(2) A statement of planning objectives to be achieved by the development through a particular approach proposed by the applicant. This should include a description of the character of the proposed development and reason behind the choices;

(3) The application for tentative approval of a development shall include a written statement by the landowner setting forth the reasons why in his opinion, a development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the City;

(4) A statement indicating intentions with regard to the future selling or leasing of all or portions of the development, such as land areas, dwelling units, etc;

(5) A development schedule indicating the approximate date when construction of the development or stages of the development can be expected to begin and be completed;

(6) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential density; total proposed common open space; nonresidential uses and floor area; and

(7) Information showing the feasibility of proposals for storm water disposition.

(e) Information Required. Application for tentative approval shall include but not be limited to the following information:

(1) The existing site conditions including contours, flood plain areas, and the unique natural features;

(2) Proposed lot lines and plot designs;

(3) The location and floor area size of all existing and proposed structures and their interior improvements including maximum heights, types of dwellings and nonresidential structures and uses. Drawing should be sufficient to relay the basic architectural intent of the proposed improvements;

(4) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas and similar public or semi-public areas;

(5) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate;
(6) The existing and proposed pedestrian circulation system;
(7) The existing and proposed utility system;
(8) A general landscape plan indicating the treatment of materials for private and common open space; and
(9) The proposed treatment of the perimeter of the development including materials and techniques used such as screens, fences and walls.

(f) Copies. One copy of every application for tentative approval shall be forwarded to the City Planning Commission and to the York County Planning Commission for study and recommendation as required in Section 1351.01. The City Commission and the County Commission shall review and report on the application to Council within thirty days of such referral. One copy of the review of the respective Commission shall be furnished to the landowner not less than five days before the appointed time of the public hearing provided for in Section 1354.03. (Ord. 13-1982 Sec. 4.10. Passed 11-3-82.)

1354.03 PUBLIC HEARINGS.

(a) Within sixty days after the filing of an application for tentative approval of a planned residential development pursuant to this Planned Residential Development Ordinance, a public hearing pursuant to public notice on such application shall be held by Council in the manner prescribed in Act 247 for the enactment of a zoning amendment. The president, or, in his absence, the acting president, of Council or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

(b) A verbatim record of the hearing shall be caused to be made by Council whenever such records are requested by any party to the proceeding; but the cost of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence, shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. (Ord. 13-1982 Sec. 4.20. Passed 11-3-82.)

1354.04 THE FINDINGS.

(a) Council, within thirty days following the conclusion of the public hearing provided for in this Planned Residential Development Ordinance, shall, by official written communication, to the landowner, either:

(1) Grant tentative approval of the development plan as submitted;
(2) Grant tentative approval of the development plan subject to specified conditions not included in the development plan as submitted; or
(3) Deny tentative approval to the development plan.

Failure to so act within such period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty days after receiving a copy of the official written communication of Council notify Council of his refusal to accept all such conditions, in which case, Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within such period, notify Council of his refusal to accept all such conditions, tentative approval of the development plan, with all such conditions, shall stand as granted.

(b) The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and such communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

(1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the City;

(2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

(3) The purpose, location and amount of common open space in the planned residential development and the reliability of the proposals for maintenance and conservation of common open space as related to the proposed density and type of residential development;

(4) The physical design of the development plan and the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light, air, recreation and visual enjoyment;

(5) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established; and

(6) In the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions, intended to protect the interests of the public and of the residents of the development in the integrity of the development plan.

(c) In the event a development plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.
(Ord. 13-1982 Sec. 4.30. Passed 11-3-82.)

1354.05 STATUS OF PLAN AFTER TENTATIVE APPROVAL.

(a) The official written communication provided for in Section 1354.04 shall be certified by the Clerk of Council and shall be filed in his office and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.

(b) Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval, shall not be modified or revoked nor otherwise impaired by action of the City pending an

application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon such development plan and shall so notify Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.
(Ord. 13-1982 Sec. 4.40. Passed 11-3-82.)

1354.06 APPLICATION FOR FINAL APPROVAL.

(a) An application for final approval may be for all the land included in a development plan, or, to the extent set forth in the tentative approval, a section thereof. Such application shall be made to the City and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

(b) The application for final approval shall contain:

(1) Site map. Four copies of the final plan with the following requirements and information:

A. Drawn at a scale of one inch equals 100 feet as the tentative plan was drawn;

B. The final plan site map shall be drawn on tracing cloth or be a transparent reproduction with black line on cloth or stable plastic base film. If the final plan site map is drawn in two or more sections, they shall be numbered consecutively and accompanied by a key map showing the location of the several sections;

C. For all street rights of way and property lines within the Planned Residential Development the following shall be shown: accurate dimensions, bearings or deflection angles of all straight lines; error of closure may not exceed one foot in 10,000 for slopes of less than ten percent (10%) or two feet in 10,000 for slopes of ten percent (10%) and over; and radii, arcs and central angles of all curves;

D. For other rights of way and easements, the location, bearings, dimensions and purpose.

E. Survey data shall include: primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the map are referred;

F. Number to identify each lot and/or site;

G. Number of dwelling units and density by type;

H. Purpose for which sites other than residential lots are dedicated or reserved;

I. Building locations and building setback lines on all lots and other sites;

J. Names of record owners of adjoining unplatted land;
K. Reference to recorded land development plans of adjoining developed land by record name, date and number;
L. Notarized certification of title showing that applicant is the owner of the land, that the land development shown is his act and deed, and that it shall be recorded as shown;
M. Certification by Registered Land Surveyor or Registered Professional Engineer certifying to accuracy of survey and plan;
N. The location of all proposed monuments and street signs and the location and methods of street lighting facilities;
O. A location map corrected and updated from the tentative plan;
P. Source of title;
Q. Provisions for approval signatures by the City officials;
R. Provisions for review signatures by the City and County Planning Commission if desired by landowner; and
S. Final erosion control plan.

(2) Supporting data. The following data shall be included with the application for final approval:
A. Corrected and updated from the tentative plan, all detailed drawings and specifications for improvements;
B. Two copies of a centerline profile and cross-section maps or diagrams of streets showing proposed grades, curbs, sanitary and storm water sewers, water lines and any other underground utilities at a minimum scale of forty feet horizontal and four feet vertical; and
C. Two copies of deed restrictions and/or protective covenants for development.

(3) Certificates required. The following certificates are required:
A. From a Registered Professional Engineer retained by the City certifying that the developer has installed all improvements to the specifications of these requirements and has complied with any conditions attached to the approval of the tentative plan by the City, or that the developer has posted a surety performance bond or other acceptable security in amount sufficient to assure completion of all required improvements;
B. From State agencies: certification that method of sewage disposal and water supply have been approved by the Pennsylvania Department of Environmental Resources; and certification of Sediment and Erosion Control Plan bearing approval of Pennsylvania Department of Environmental Resources;
C. Other certificates as may be required such as from the Pennsylvania Public Utility Commission; and
D. An agreement that the developer shall install underground utilities before paving streets and constructing sidewalks.

(4) Fees. The final plan shall include thereon or be accompanied by filing fees and any other fee that may be required.

(c) In the event the application for final approval has been filed, together with all the drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, Council shall, within forty-five days of such filing grant such development plan final approval.

(d) In the event the development plan as submitted contains variations from the development plan given tentative approval, Council may refuse to grant final approval and shall, within forty-five days from the filing of the application for final approval, so advise the landowner in writing of such refusal setting forth in the notice the reasons why one or more of such variations are not in the public interest. In the event of such refusal, the landowner may either:

(1) Refile his application for final approval without the variations objected; or

(2) File a written request with Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternative action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty additional days if the time for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within such time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Planned Residential Ordinance for public hearing on applications for tentative approval. Within thirty days after the conclusion of the hearing, Council shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

(e) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by Council and shall be filed of record forthwith in the Office of the Recorder of Deeds of York County before any development shall take place in accordance therewith. Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of such planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of such development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

(f) In the event that a development plan, or a section thereof is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify Council in writing, or, in the event that the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until such property is re-subdivided and is classified by enactment of an amendment to the Zoning Ordinance of 1982, as amended.

(Ord. 13-1982 Sec. 4.50. Passed 11-3-82.)

ARTICLE 1355
Administration

1355.01 Administration and review.

CROSS REFERENCES
Plan enforcement and modifications - see Act 247 Sec. 706 (53 P.S. Sec. 10706)
Zoning Ordinance - see P. & Z. Art. 1301 et seq.
Procedures - see P. & Z. Art. 1354

1355.01 ADMINISTRATION AND REVIEW.

(a) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning Officer.

(b) Upon application of the landowner showing compliance with the requirement of final approval, the Zoning Officer shall issue permits for construction, pursuant to the plan, or any section thereof.

(c) The provisions of Title I, of the York Zoning Ordinance of 1982, as amended, governing "administration" shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Planned Residential Development Ordinance and the conditions of final approval. The Zoning Officer shall review the progress and status and construction of the plan and render monthly reports thereon to Council in order to assure compliance with the provisions of this Ordinance and the conditions of final approval. (Ord. 13-1982 Sec. 5.00. Passed 11-3-82.)

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1371.03 Purpose.
1371.04 Applicability.
1371.05 Compatibility with other permit and ordinance requirements.

1371.01 SHORT TITLE.

Articles 1371 to 1379 shall be known and may be cited as the "City of York Storm Water Management and Erosion and Sedimentation Control Code of 1981", and is referred to herein as this "Title Six". (Ord. 13-1981 §1. Passed 5-20-81.)

1371.02 STATEMENT OF FINDINGS.

Council of the City of York finds that:

(a) Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of stream and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

(b) A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of the City of York and all the people of the Commonwealth, their resources and the environment. (Ord. 13-1981 §1. Passed 5-20-81.)

1371.03 PURPOSE.

The purpose of this Title Six is to promote the public health, safety and welfare by minimizing the damages described in Section 1371.02(a) by provisions designed to:

(a) Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
(b) Utilize and preserve the desirable existing natural drainage systems.
(c) Encourage recharge of groundwaters.
(d) Maintain the existing flows and quality of streams and watercourses in the City of York and the Commonwealth.
(e) Ensure that there is proper maintenance of all storm water management structures which are constructed in the City of York.
(Ord. 13-1981 §1. Passed 5-20-81.)

1371.04 APPLICABILITY.

The following activities are intended to be applicable under the provisions of this Title Six:

(a) Land development.
(b) Subdivision.
(c) Earthmoving.
(d) Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.).
(e) Construction of new buildings or additions to existing buildings.
(f) Nursery operations.
(g) Diversion or piping of any natural or man-made stream channel.
(h) Installation of storm water systems or appurtenances thereto.
(Ord. 13-1981 §1. Passed 5-20-81.)

1371.05 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.

Permits and approvals issued pursuant to this Title Six do not relieve the applicant of the responsibility to secure required permits or approvals for work to be done which is regulated by any other applicable code, rule, act or ordinance. The storm water management and erosion and sedimentation control regulations of this Title Six supersede any ordinances currently in effect for storm water management and erosion and sedimentation control. However, any underlying ordinance shall remain in effect to the extent that those provisions are more restrictive. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1372
Definitions

1372.01 Language interpretations. 1372.02 Definitions.

1372.01 LANGUAGE INTERPRETATIONS.

For the purpose of these regulations, certain words shall have the following meanings assigned to them:

(a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.

(b) The word "shall" is always mandatory.

(Ord. 13-1981 §1. Passed 5-20-81.)

1372.02 DEFINITIONS.

(a) As used in Title Six, certain words are defined as follows:

(1) "Accelerated erosion" means the removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

(2) "Cistern" means a reservoir or tank for storing water.

(3) "Culvert" means an enclosed conduit for transporting water under roads, driveways, etc.

(4) "Design storm" means the magnitude or precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e. g., 24-hour), and used in computing storm water management control systems.

(5) "Detention basin" means a basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. This basin is designed to drain completely after a storm event.

(6) "Developer" means a person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Title Six.

(7) "Disturbed area" means an area of land subject to earthmoving activities.

(8) "Diversion terrace" means a channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

(9) "Drainage easement" means a right of way granted by a landowner to a grantee, allowing the use of private land for storm water drainage purposes.

(10) "Earthmoving activity" means activity resulting in the movement of earth or the stripping of vegetative cover from the earth.
(11) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents.
(12) "Groundwater recharge" means replenishment of existing natural underground water supplies.
(13) "Hydraulic characteristics" mean the features of a watercourse which determine its water conveyance capacity.
(14) "Hydrology" means properties, distribution and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere.
(15) "Hydrograph" means a plot of the discharge of stream flow or runoff versus time.
(16) "Impervious surface" means a surface which resists the penetration of water or other liquids.
(17) "Infiltration structure" means a structure designed to direct runoff into the ground, e.g. french drains, seepage pits, seepage trench, etc.
(18) "Land development" means:
A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
1. A group of two or more buildings, or
2. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
B. A subdivision of land.
(19) "Land disturbance" means earthmoving activities.
(20) "Nursery" means a tract of land on which trees and plants are raised or stored for transplanting and sale.
(21) "Outlet control structure" means a structure designed to control the volume of storm water runoff that passes through it during a specific length of time.
(22) "Peak discharge" means the maximum rate of flow of water at a given point and time resulting from a predetermined storm.
(23) "Rate of storm water runoff" means instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as "discharge". Examples: cubic feet per second (cfs); gallons per minute (gpm).
(24) "Retention basin" means a basin or pond containing a permanent pool of water and designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.
(25) "Runoff" means that part of precipitation which flows over the land.
(26) "Runoff characteristics" mean the surface components of any watershed which, either individually or in any combination thereof, directly affect the rate, amount and direction of storm water runoff. These may include, but are not limited to: vegetation, soils, slopes and any type of man-made landscape alterations.

(27) "SCS" means Soil Conservation Service, U.S. Department of Agriculture.

(28) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.

(29) "Sediment basin" means a barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other storm water transported material.

(30) "Seepage pit/seepage trench" means an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

(31) "Semi-pervious surface" means a surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.

(32) "Soil-cover complex method" means a method of runoff computation developed by SCS.

(33) "Storm sewer" means a system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

(34) "Storm water" means drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

(35) "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

(36) "Swale" means a low lying stretch of land which gathers or carries surface water runoff.

(37) "Volume of storm water runoff" means quantity of water normally measured in inches, cubic feet or acre feet determined analytically from: runoff coefficients; rainfall/runoff ratios; and areas underneath hydrographs.

(38) "Watershed" means the entire region or area drained by a river or other body of water whether natural or artificial.

(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1373
Regulations

1373.01 Storm water management. 1373.02 Erosion and sedimentation control.

1373.01 STORM WATER MANAGEMENT.

There shall be no increase in the rate of storm water discharge from any activity covered by this Title Six than would have occurred from the land prior to the activity.

(a) Method of Computation. Peak discharge and runoff shall be computed using the soil-cover complex method as set forth in the latest edition of "Urban Hydrology for Small Watersheds", Technical Release No. 55 as published by SCS, or by any other method approved by the York City Engineer.

(b) Rainfall Data. For the purposes of this Title Six, the following rainfall depths shall be used for design:

Recurrence Interval (Years)	24-Hour Rainfall Depth (Inches)
2	3.1
5	4.1
10	4.9
25	5.5
50	6.2

(c) Design Storms.

(1) All storm water retention/detention facilities shall be designed on the basis of providing adequate control for all storm frequencies of a 24-hour duration up to and including a 50-year design storm.

A. Outflow (Q_o) determination. The maximum permitted storm water discharge (Q_o) in cubic feet per second, from any site shall not exceed the calculated discharge from the site at pre-development ground cover and soil conditions for all design storms specified below. The maximum permitted storm water discharge (Q_o) shall be calculated using the SCS method for twenty-four hour rainfalls having recurrence intervals of 2, 5, 10, 25 and 50 years.

B. Existing runoff volume (VR1). Existing runoff volume (VR1), in inches, shall be determined using the SCS method at pre-development conditions for the 50-year rainfall depth listed in subsection (b) hereof.

C. Future runoff volume (VR2). The future runoff volume (VR2), in inches, shall be determined at post-development conditions (including any future expansion) for the 50-year rainfall depth listed in subsection (b) hereof.

D. Minimum required detention storage (VS). The minimum required detention storage (VS), in cubic feet, shall be determined from the following formula:

VS (cubic feet) = (VR2 - VR1) x (site area in acres) x 4175

(2) Storm sewer systems within a development shall be designed to accommodate the peak rate of runoff from a 10-year design storm.

(3) Where Federal or State laws impose a greater design frequency, they shall prevail.

(4) Emergency spillways or overflow structures shall be designed to release a 100 year design storm computed at post-development conditions.

(5) For land development in the Willis Run watershed, subsection (c)(l) hereof is superseded in that peak discharge, runoff and storage requirements shall be determined as follows:

A. Outflow (Q_o) determination. The maximum permitted storm water discharge (Q_o), in cubic feet per second, from any site shall not exceed the calculated discharge from the site at pre-development ground cover and soil conditions. The maximum permitted storm water discharge (Q_o) shall be calculated using the Soil Conservation Service method for a 3.74 inch rainfall per twenty-four hour period.

B. Existing runoff volume (VR1). Existing runoff volume (VR1) in inches, shall be determined using the Soil Conservation Service method at pre-development conditions for a 3.74 inch rainfall per twenty-four hour period.

C. Future runoff volume (VR2). The future runoff volume (VR2), in inches, shall be determined using the Soil Conservation Service method at post-development conditions (including any future expansion) for a 3.74 inch rainfall per twenty-four hour period.

D. Minimum required detention storage (VS1). The minimum required detention storage (VS1), in cubic feet, shall be determined from the following formula:
VS1 (cubic feet) = (VR2 - VR1) x (site area in acres) x 4175.

(d) Release Rate. The peak release of storm water from retention/detention facilities shall not be greater than the pre-development peak discharge rate. The City of York Engineer may require a reduced peak discharge rate should downstream conditions warrant such action.

(e) Maintenance of Natural Drainageways. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the City of York Engineer. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources.

(f) Methods of Storm Water Runoff Detention Control.

(1) The following is a listing of detention and control methods which may be utilized in storm water management systems, if appropriate.

A. Detention basins.
B. Retention basins.
C. Roof-top storage.
D. Parking lot and street ponding.
E. Seepage pits, seepage trenches or other infiltration structures.
F. Porous pavement and concrete lattice block surfaces.
G. Grassed channels and vegetated strips.
H. Cisterns and underground reservoirs.
I. Routing flow over grass.
J. Decreased impervious area coverage.

(2) The use of other control methods which meet the criteria in this article shall be permitted when approved by the City of York Engineer. Various combinations of methods shall be tailored to suit the particular requirements of the type of development and the topographic features of the project area. (Ord. 13-1981 §1. Passed 5-20-81.)

1373.02 EROSION AND SEDIMENTATION CONTROL.

All land disturbance activities shall be conducted in such a way as to prevent accelerated erosion and resulting sedimentation.

(a) Standards. Measures to control erosion and sedimentation shall at a minimum meet the standards of the York County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources.

(b) Control Techniques. Techniques for controlling accelerated erosion and resulting sedimentation include, but are not limited to:

(1) Minimization of exposed areas.
(2) Diversion of water away from the project area by diversion terraces or other means.
(3) Stabilization of slopes, channels, ditches or other disturbed areas.
(4) Interim stabilization of disturbed areas where appropriate.
(5) Collection of runoff for sediment removal in sediment basins.

(c) Design. The applicant is urged to consult the publications listed in the Appendix to aid in design of control methods.

(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1374
Plan Requirements

1374.01 General requirements.
1374.02 Plan contents.
1374.03 Plan submission.
1374.04 Plan approval.
1374.05 Plan modification.
1374.06 Exemptions.

1374.01 GENERAL REQUIREMENTS.

Prior to the final approval of subdivision and/or land development plans submitted to the City of York, or the issuance of any permit, the owner, subdivider, developer or his agent shall submit a storm water management plan to the York City Engineer for approval. The plan shall be designed and certified by a professional engineer licensed in the Commonwealth of Pennsylvania. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.02 PLAN CONTENTS.

The following items shall be included in the plan:

(a) General.
- (1) Description of project.
- (2) Description of erosion and sedimentation controls.
- (3) Description of storm water controls both during and after development.

(b) Topographic Features. A map of the project area showing:
- (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
- (2) Contours at intervals of one foot. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (3) Streams, lakes, ponds or other bodies of water within or near the project.
- (4) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
- (5) Locations of proposed underground utilities, sewers and water lines.

(c) Soils. An overlay showing soil types and boundaries.

(d) Final Topography. A map showing:
- (1) Changes to land surface and vegetative cover.
- (2) Areas to be cut or filled.
- (3) Structures, roads, paved areas and buildings.
- (4) Final contours at intervals of one foot. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.

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(e) Erosion and Sedimentation Controls.

(1) The staging of all earthmoving activities shall be described, including, but not limited to, cuts and fills, streets, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational areas and other structures.

(2) The type, location and extent of all erosion and sedimentation control measures shall be shown on a map and described, including all calculations, assumptions and criteria used in designing the controls, and a schedule for their implementation.

(f) Storm Water Management Controls.

(1) All storm water management controls shall be shown on a map and described, including:

A. Groundwater recharge methods such as seepage pits, beds or trenches. If these structures are used, the locations of septic tank infiltration areas and wells shall be shown.

B. Other control devices or methods such as rooftop storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.

C. Schedule for installation of the control measures and devices.

(2) All calculations, assumptions and criteria used in the design of the control device or method shall be shown.

(g) Maintenance Program. A maintenance program for all storm water management and erosion and sedimentation control facilities shall be included. This program shall include temporary maintenance during construction phases and shall include the ownership of the permanent control facilities and detail the financial responsibility for any required maintenance.
(Ord. 13-1981 §1. Passed 5-20-81.)

1374.03 PLAN SUBMISSION.

(a) The storm water management/erosion and sedimentation control plan may be submitted as part of the "Planning Module for Land Development" under the provisions of the Pennsylvania Sewage Facilities Act and/or in concurrence with the application of the building permit.

(b) Three copies of the completed plan shall be submitted.
(Ord. 13-1981 §1. Passed 5-20-81.)

1374.04 PLAN APPROVAL.

(a) The York City Engineer shall recommend whether the plan be approved or disapproved within sixty days following its submission and shall notify the applicant of his decision in writing. A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.

(b) The York City Engineer shall forward a copy of the plan to the York County Conservation District for review. The District shall provide comment within forty-five days.

(c) Upon approval, the plan shall be submitted to the York City Planning Commission as part of the final subdivision or land development plan, if appropriate. York City Council shall approve plans, as required.
(Ord. 13-1981 §1. Passed 5-20-81.)

1374.05 PLAN MODIFICATION.

A major modification to the storm water management/erosion and sedimentation control plan, when required, shall be approved under the procedures contained in Section 1374.04. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.06 EXEMPTIONS.

The following activities are specifically exempt from the planning provisions of this Title Six:

(a) Land disturbance associated with existing one or two-family dwellings.
(b) Land development for which a building permit has been issued prior to the date of this legislation and for which no storm water management provisions have been requested by the City of York Engineer.
(c) Use of land for gardening for personal consumption.
(d) Land development within a watershed which has adequate storm water management facilities that satisfy the requirements of this Title Six.
(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1375
Approval Requirements and Procedures

1375.01 Approval requirements.
1375.02 Land disturbance activities as part of a subdivision or land development.
1375.03 Modification of plans.
1375.04 Suspension and revocation.

1375.01 APPROVAL REQUIREMENTS.

All land disturbance activities as specified in Section 1371.04, except those specifically exempt from planning requirements by Section 1374.06, shall be conducted only after the issuance of plan approval by the City of York Engineer. The developer shall secure other appropriate permits before beginning land disturbance activities.
(Ord. 13-1981 §1. Passed 5-20-81.)

1375.02 LAND DISTURBANCE ACTIVITIES AS PART OF A SUBDIVISION OR LAND DEVELOPMENT.

The applicant shall obtain other applicable permits after obtaining the required plan approval as specified in Article 1374.
(Ord. 13-1981 §1. Passed 5-20-81.)

1375.03 MODIFICATION OF PLANS.

A major modification to the storm water management/erosion and sedimentation control plan shall require a resubmittal of the plan and is to be processed in the same manner as the original submission. (Ord. 13-1981 §1. Passed 5-20-81.)

1375.04 SUSPENSION AND REVOCATION.

Any permit issued under this Title Six may be suspended or revoked by the City of York for:

(a) A violation of any provision of this Title Six or any other applicable law, ordinance, rule or regulation relating to the work.

(b) The existence of any condition or the commission of any act which constitutes or creates a hazard or nuisance, or which endangers the life or property of others. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1376
Inspections and Certification

1376.01 Schedule of inspections.

1376.01 SCHEDULE OF INSPECTIONS.

(a) It is the responsibility of the permittee to notify the York City Engineer forty-eight hours in advance of beginning construction of storm water management facilities. The York City Engineer or his designee shall have the right to inspect all phases of development of the site including, but not limited to:

(1) Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.

(2) Completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

(3) During construction of the permanent storm water facilities at such times as specified by the York City Engineer.

(4) Upon completion of permanent storm water management facilities, including established ground covers and plantings.

(5) Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan.

(b) Any portion of the work which does not comply with the approved plan shall be promptly corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.

(c) Upon completion, the owner's/developer's engineer shall certify in writing to the York City Engineer all aspects of the storm water management plan have been constructed in accordance with the approved plans.

(d) If at any stage of the work, the York City Engineer determines that the soil or other conditions are not as stated or shown in the approved application, he may refuse to approve further work and may revoke existing approval until a revised plan is submitted and approved. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1377
Fees and Expenses

1377.01 General.
1377.02 Fees.
1377.03 Additional costs.

1377.01 GENERAL.

Plan approval shall not be issued until the fee prescribed in this article has been paid. (Ord. 13-1981 §1. Passed 5-20-81.)

1377.02 FEES.

An applicant shall deposit with the City of York, a sum in the amount of two percent (2%) of the estimated cost of the proposed storm water management facility, but in no event less than fifty dollars ($50.00). The sum deposited with the City of York shall be used to cover the following expenses:

(a) The review of the storm water management/erosion and sedimentation control plan.
(b) The site inspection.
(c) The inspection of the required controls and improvements during construction.
(d) The final inspection upon completion of the controls and improvements required in the plan.
(e) Any additional work required to enforce the permit provisions, correct violations and assure the completion of stipulated remedial actions.

(Ord. 13-1981 §1. Passed 5-20-81.)

1377.03 ADDITIONAL COSTS.

Any additional costs incurred by the City of York in the administration of this Title Six may be charged to the applicant in the sum of the estimated costs as deemed necessary by the City of York. Upon completion of the storm water management facility and upon final approval thereof by the York City Engineer, any moneys in excess of City costs or expenses deposited by the applicant pursuant to this article shall be refunded to the applicant.
(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1378
Financial Guarantees and Maintenance

1378.01 Performance bond.
1378.02 Maintenance bond.
1378.03 Escrow agreement.
1378.04 Maintenance by private entities or individuals.

1378.01 PERFORMANCE BOND.

Before granting approval, the City of York shall require a performance bond in an amount equal to one hundred percent (100%) of the estimated cost of all storm water management measures. Such bond shall be conditioned upon the faithful performance of the control measures within the times specified in the approved plan or within any extension thereof granted by the City of York, and shall be in favor of the City of York.

Such bond shall terminate when all control measures are completed and approved by the City of York Engineer. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.02 MAINTENANCE BOND.

Upon completion of the required storm water management and erosion and sedimentation control measures, the applicant shall provide a two year maintenance bond which shall cover all permanent facilities installed by the developer which the City of York has agreed to accept.

Such bond shall be in favor of the City of York and shall provide surety satisfactory to the York City Solicitor. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.03 ESCROW AGREEMENT.

In lieu of the required bonds, the applicant may deposit funds or securities in an escrow account satisfactory to the York City Solicitor. Funds deposited in this account for guaranteeing the construction or maintenance of control measures shall be used for these purposes only. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.04 MAINTENANCE BY PRIVATE ENTITIES OR INDIVIDUALS.

(a) In cases where permanent control facilities are owned by a private entity or an individual, such entity or individual shall be responsible for maintenance. In this case a legally binding agreement between the entity or individual and the City of York shall be made providing for maintenance of all permanent control facilities, including the inspection by the City of York of all such facilities, deemed critical to the public welfare annually and after each major flood event. The agreement shall be recorded by the Recorder of Deeds in the Office of the York County Recorder of Deeds.

(b) If the City of York determines at any time that any permanent storm water management or erosion and sedimentation control facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the City of York may cause the work to be done and lien all costs against the property. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1379
Enforcement and Penalty

1379.01	Right of entry.	1379.04	Penalty.
1379.02	Notification.	1379.05	Repealer.
1379.03	Modifications and variances.	1379.06	Severability.

1379.01 RIGHT OF ENTRY.

Upon presentation of proper credentials, duly authorized representatives of the City of York may enter at reasonable times upon any property within the City of York to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Title Six. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.02 NOTIFICATION.

In the event that an owner, subdivider, developer or his agent fails to comply with the requirements of this Title Six, or fails to conform to the requirements of any permit issued thereunder, the City of York shall provide written notification of violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer or his agent shall be subject to the penalty provisions of this Title Six or other penalty provisions contained in the subdivision and land development ordinance.
(Ord. 13-1981 §1. Passed 5-20-81.)

1379.03 MODIFICATIONS AND VARIANCES.

(a) The provisions of this Title Six are the minimum standards for the protection of the public welfare. The York City Engineer shall have the right to modify or extend them as may be necessary in the public interest.

(b) Where the City of York Engineer finds that extraordinary hardship may result from strict compliance with this Title Six, he may vary the strict terms and conditions of this Title Six so that substantial justice may be done and the public interest secured; provided, however, that such variation will not have the effect of nullifying the interest and purpose of this Title Six.

(c) In granting variances and modifications, the York City Engineer may impose such conditions as will, in his judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(d) Decisions of the City of York Engineer are subject to appeal to the York City Council. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.04 PENALTY.

(a) Anyone violating the provisions of this Title Six shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than six hundred dollars ($600.00) for each violation, recoverable with costs, or imprisonment of not more than thirty days, or both. Each day that the violation continues shall be a separate offense.
(Ord. 53-1989 §1. Passed 5-2-89.)

(b) In addition, the City of York may institute injunctive, mandamus or any other appropriate action or proceeding at law or equity for the enforcement of this Title Six. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
(Ord. 13-1981 §1. Passed 5-20-81.)

1379.05 REPEALER.

Any ordinance of the City of York inconsistent with any of the provisions of this Title Six is hereby repealed to the extent of the inconsistency only.
(Ord. 13-1981 §1. Passed 5-20-81.)

1379.06 SEVERABILITY.

Should any section or provision of this Title Six be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Title Six. (Ord. 13-1981 §1. Passed 5-20-81.)

APPENDIX
Publications

Storm water management and erosion and sedimentation control publications.

l. Chapter 102. Erosion Control, Title 25, Rules and Regulations of the Department of Environmental Resources.

2. Chapter 105. Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Department of Environmental Resources.

3. Engineering Field Manual for Conservation Practices, 1975, U.S. Department of Agriculture, Soil Conservation Service.

4. Erosion and Sediment Control Handbook, York County Conservation District.

5. Guidelines for Storm Water Management, Department of Environmental Resources, Bureau of Dams and Waterway Management.

6. Soil Erosion and Sedimentation Control Manual, Department of Environmental Resources, Bureau of Soil and Water Conservation and Bureau of Water Quality Management.

7. Urban Hydrology for Small Watersheds, Technical Release No. 55, Soil Conservation Service, U.S. Department of Agriculture, January, 1975.

(Ord. 13-1981 §1. Passed 5-20-81.)