

**YORK SPRINGS BOROUGH
EXISTING LAND USE STUDY
FUTURE LAND USE PLAN
ZONING ORDINANCE**

ADOPTED 1/15/92

**BOROUGH OF YORK SPRINGS
ZONING ORDINANCE**

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An Ordinance permitting, prohibiting, regulating, restricting and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for repeal, and variances; for special exceptions, for the administration and enforcement of the ordinance, and such other provisions as may be necessary to implement the proposes of this Ordinance.

ARTICLE I

TITLE, AUTHORITY, PURPOSE, AND COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

Section 101. SHORT TITLE

This Ordinance shall be known as and may be cited as the "BOROUGH OF YORK SPRINGS ZONING ORDINANCE."

Section 102. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

Section 103. PURPOSE

This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as,
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104. COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

To promote and to foster the following community goals and objectives:

1. **GOAL:** *Establish goals and objectives, future land use plan, and land use ordinances compatible with the Adams County Comprehensive Plan, as amended, and Comprehensive Plans and land use ordinances for adjacent municipalities.*

OBJECTIVES:

- A. Develop goals and objectives consistent with the Adams County Comprehensive Plan.
- B. Establish a planning program that accurately and effectively coordinates the development process in a manner compatible with municipalities adjacent to the Borough.
- C. Develop land use ordinances consistent with policies set forth in the Adams County Comprehensive Plan.

2. **GOAL:** *Establish interrelated land use patterns compatible, mutually supportive, and responsive to the needs of the community, while considerate of natural and man-made limitations.*

OBJECTIVES:

- A. Protect existing and promote desirable future residential and nonresidential development through the adoption of an effective land use plan and implementing ordinances.
- B. Establish a continuous planning program accurately monitoring growth and development activities and effectively coordinating the development process as it occurs throughout the Borough.
- C. Provide for a mechanism by which adopted Borough Plans and Ordinances can be reviewed and updated on a regulated basis.
- D. Strive to maintain the Village character of the Borough through the adoption of land use ordinances and building codes sensitive to and seeking to provide the flexibility to maintain and promote a mix of residential and nonintensive commercial uses.

- E. Seek to provide a variety of recreation facilities that focus on preserving cultural, historical, and/or natural features, as well as environmentally sensitive lands.

3. **GOAL:** *Promote the conservation of environmentally sensitive areas.*

OBJECTIVES:

- A. Promote regulation of residential and nonresidential activities to prevent such harmful effects as water pollution and excessive water runoff resulting from development.
- B. Promote greater public awareness and education of sensitive environmental issues and problems affecting the Borough.
- C. Incorporate appropriate provisions in the Borough land use ordinances that provide for preservation of environmentally sensitive lands.
- D. Assure that development within floodplain areas complies with provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act.
- F. Adopt and implement stormwater management regulations as part of the Borough's land use ordinances.

4. **GOAL:** *Preserve existing historic resources and maintain the historic village character of York Springs.*

OBJECTIVES:

- A. Promote and encourage conservation, preservation, restoration and maintenance of historically significant structures throughout the Borough.
- B. Develop codes necessary for the regulation of rehabilitation/restoration efforts of properties throughout the Borough, sensitive to the preservation of historically significant structures.
- C. Establish in-fill development regulations which would encourage and permit such new development compatible with the existing historic character of the Village.

5. **GOAL:** *To provide for a complete and adequate system of community facilities and services that is responsive to the resident needs and business establishments of the Borough.*

OBJECTIVES:

- A. Promote efficient and environmentally sound methods of recycling and solid waste collection and disposal.
- B. Coordinate land use, sewage, and water supply plans so as to provide for compatible development of designated areas.
- C. Develop and enforce provisions contained within land use ordinances that require developers to accurately determine the water supply needs generated by their development proposals and to assess the availability and quality of water supply sources.
- D. Encourage coordination of development proposals with the appropriate water supplier in order to assure the proper installation of water supply systems.
- E. Support and upgrade police, fire and rescue, emergency medical support, and member training as may be necessary to maintain high levels of efficiency.
- F. Support local school district efforts to establish and maintain educational programs and facilities necessary to serve the mental, physical, and social needs of children and adults.
- G. Seek to provide a variety of recreation facilities that are responsive to the needs of Borough residents and business establishments.

6. **GOAL:** *Provide for a sufficient supply and variety of housing types financially obtainable by all income levels.*

OBJECTIVES:

- A. Adopt reasonable building, housing, and property maintenance codes which will eliminate and prevent conditions that contribute to and/or continue blight and poor quality living environments.
- B. Adopt proper residential conversion regulations providing for minimum habitable floor area, lot area and off-street parking requirements for each unit thereby improving living standards in the Borough.
- C. Support efforts to assist in the provision of low and moderate income housing opportunities throughout the Borough.

D. Allow for residential opportunities for the special needs community.

7. **GOAL:** *Promote and encourage the expansion of home ownership opportunities in order to maintain stability within the community.*

OBJECTIVES:

A. Develop regulations targeted towards the maintaining of a mix of residential opportunities.

B. Limit excessive conversions of single family residential properties into multi-family properties in order to at least maintain and/or increase the current low percentage of homeownership within the community.

C. Provide for mixed usage of residential properties in appropriate areas of the Borough in order to promote home occupations and additional utilization of a single-family home.

8. **GOAL:** *Promote the establishment of an adequate, safe, convenient, and balanced transportation network in conjunction with land development that provides for the efficient movement of people and goods.*

OBJECTIVES:

A. Encourage pedestrian access through the utilization of mixed use zoning techniques.

B. Coordinate the location and improvement of traffic systems in a manner that maintains proper traffic movement.

C. Enforce provisions in Borough land use ordinances that require developers to properly assess and physically install street related improvements to satisfy the access and transportation demands generated by their developments.

D. Maintain street upgrading and maintenance programs in cooperation with the Pennsylvania Department of Transportation.

9. **GOAL:** *Promote the development of a healthy and stable economic base capable of satisfying demands for a variety of goods and services and employment opportunities, as well as enhancing the fiscal capabilities of the Borough.*

OBJECTIVES:

- A. Continue to provide for established industrial uses within the Borough.
- B. Promote the expansion and enhancement of the Village Districts as mixed use areas thereby encouraging the development of York Springs as a neighborhood commercial center for Borough residents and neighboring Townships.
- C. Encourage and assist in attracting businesses that provide job opportunities for the Borough's labor force.
- E. Promote the use of area public and private education facilities to assist in appropriate occupational training of Borough residents.

ARTICLE II

DEFINITIONS

SECTION 201. DEFINITIONS

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

ABANDONMENT. The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ACCESS DRIVE. A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING. A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of the main building or land and located on the same lot with such principal use or main building.

ACRE, GROSS. The entire area of a tract exclusive of existing public rights-of-way whether interior or exterior but including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open space.

ACRE, NET. The actual area proposed for residential development exclusive of existing and proposed rights-of-way, common open space, streets, sidewalks, parks, playgrounds, and other non-residential uses.

ACT. Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ADULT BOOK STORE. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

AGRICULTURE. The cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nurseries, horticulture, forestry and the breeding and raising of customary domestic animals.

AIR RIGHTS. The right to use space above ground level.

ALLEY. A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS. As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMENDMENT. A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Borough Council.

AMUSEMENT ARCADE. An indoor amusement facility which has, as its principal business offered to patrons, mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

ANIMAL HOSPITAL. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH. A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

APARTMENT. A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments. Conversion Apartments are not included in the classification.

APARTMENT, ACCESSORY. An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT, CONVERSION. An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

APARTMENT, GARDEN. A two (2) story multi-family dwelling, containing one (1) story dwelling units.

APARTMENT HOUSE. See definition DWELLING, MULTI-FAMILY.

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 development plan.

AREA, BUILDING. See BUILDING AREA.

AREA, LOT. The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

BAFFLE. A freestanding randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one (1) segment of one (1) property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BASEMENT. That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement

shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.

BED AND BREAKFAST ESTABLISHMENT. A home occupation providing for compensation, sleeping accommodations and breakfast for transient guests.

BLOCK. An area of land bounded by streets.

BOARDING HOUSE. A building arranged or used for the lodging, with or without meals, by either transient or permanent residents, for compensation. This definition includes rooming houses, lodging houses, and bed and breakfast establishments operated as a principal use.

BUFFER YARD. See YARD, BUFFER.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING AREA. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building 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 and gambrel roofs.

BUILDING LINE. A line parallel to the front, side, or rear lot line so as to provide the required yard.

BUILDING PERMIT. Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE. The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

CAR WASH. A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for Vehicular Service Stations.

CARPORT. A covered space, open on at least three (3) sides, for the storage of one (1) or more vehicles and accessory to a principal or accessory building.

CARTWAY. That portion of a street or alley which is improved, designed, or intended for vehicular use.

CELLAR. A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CEMETERY. Land used or intended to be used for the burial of the deceased, including, but not limited to, columbarium, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

CERTIFICATE OF USE AND OCCUPANCY. A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

CHURCH. A building used for public worship and/or education by a congregation, excluding buildings used exclusively for residential, burial, recreational, or other uses not normally associated with worship. For purposes of this Ordinance, the term, "Church," shall include synagogue.

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 streets center lines.

CLUB AND/OR LODGE. A building and/or structure utilized as a private club offering food and/or drink privileges.

CLUSTER. A development technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION. A form of development for single-family residential subdivision/land development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots/units permitted under a conventional subdivision/land development and the resultant land area is devoted to open space.

COMMON OPEN SPACE. See OPEN SPACE, COMMON.

COMPLETELY DRY SPACE. A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured homes.

COURT. An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER. A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER. A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

COVERAGE. That portion or percentage of the lot area covered by impervious materials.

DAY CARE CENTER. A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

DENSITY. A term used to express the allowable number of dwelling units per acre of land. Net Density is the number of dwelling units per net acre. Gross Density is the number of dwelling units per gross acre.

DEVELOPER. 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.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

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.

DRIVE-IN USE. An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DUMP. A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DWELLING. A building or structure designed for living quarters for one (1) or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

DWELLING GROUP. A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

DWELLING, INDUSTRIALIZED HOUSING. Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MANUFACTURED (MOBILE) HOME. A transportable, single-family detached dwelling intended for permanent occupancy, 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. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

DWELLING, MULTI-FAMILY. A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, MULTIPLEX. A multiplex is a single-family or multifamily attached dwelling. In general, all units have independent outside access and may be arranged in a variety of configurations. No more than four (4) units shall be attached in any group.

DWELLING, PATIO HOUSE. A single-family detached or attached dwelling with open space setbacks on three (3) sides and with a court.

DWELLING, SINGLE FAMILY, DETACHED. A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, ATTACHED (TOWNHOUSE). A dwelling used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE-FAMILY, SEMI-DETACHED. A dwelling used by one (1) family, having one (1) side yard, one (1) party wall common with another dwelling.

DWELLING, TWO FAMILY, DETACHED (DUPLEX). A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

DWELLING UNIT. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, ZERO LOT LINE. A single-family detached dwelling with the building positioned on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

EASEMENT. A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EATING ESTABLISHMENT. Any form of restaurant and/or tavern open to the public, dispensing food and drink.

ELECTRIC SUBSTATION. An assemblage of equipment for purposes other than generation or utilization, through which bulk electric energy is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public. This definition includes Transformer Substations.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES. Electric public utilities transmission and distribution facilities including substations.

ESSENTIALLY DRY SPACE. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable.

FACADE. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY. A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or no more than five (5) unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

FAMILY CARE FACILITY. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

FAMILY DAY CARE HOME. A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

FENCE. Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or within two (2') feet of any front, side or rear lot line; for the purpose of this ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines." Fences are not synonymous with "garden structures" which are defined elsewhere herein.

FILL. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new

location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOOD. A temporary inundation of normally dry land areas.

FLOOD, BASE (ONE-HUNDRED YEAR FLOOD). A flood that, on the average is likely to occur once every 100 years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

FLOOD FRINGE. That portion of the flood plain outside the floodway.

FLOOD PLAIN. (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

FLOOD PROOFING. Any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY. The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude without increasing the water surface elevation more than one (1') foot at any point.

FLOOR AREA. The sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE. The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7') feet and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the habitable floor area.

FLOOR AREA RETAIL, NET. All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

GARAGE, PRIVATE. An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service, with the exception of a home occupation, is conducted for profit therein, nor space herein for more than one (1) vehicle or vessel is leased to a nonresident of the premises.

GARAGE, PUBLIC. Any structure, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles for compensation.

GARDEN APARTMENT. See definition APARTMENT, GARDEN.

GARDEN STRUCTURES. Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3') feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GARDENING. The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY. Shall mean the Borough Council of York Springs, Adams County, Pennsylvania.

GRADE, ESTABLISHED. The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the

temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND FLOOR. The floor of a building nearest the mean grade of the front of the building.

GROUP CARE FACILITY. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for nine (9) to fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME. A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HAZARDOUS WASTE: Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342) or source, special nuclear, or by-product material as defined by the U.S.C. Section 2014), which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (1) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." "Hazardous Waste" shall not include treatment sludge from coal mine drainage treatment plants,

disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

HEIGHT OF BUILDING. See definition BUILDING HEIGHT.

HOME OCCUPATION. Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than one (1) employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling.

IMPERVIOUS COVERAGE. See COVERAGE.

IMPERVIOUS MATERIAL. Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

INCINERATOR. An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATIONAL FACILITY. Any establishment which provides recreation, amusement or entertainment for the general public within a completely enclosed structure for a fee or admission charge, including but not limited to: theaters, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game arcades and spas or health clubs where the principal use includes a gymnasium, exercise room, swimming pool or other sports facility.

INDUSTRY. The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

INSTITUTION. A building or grounds, all or a portion of which is used by persons who occupy the buildings for a common purpose, including, but not limited to, hospitals, convents, school dormitories, college campuses, nursing homes; the education, administrative and/or recreational facilities of such organizations as the YMCA, YWCA, Boy Scouts, Girl Scouts and Boys Clubs. Not to include penal institutions and similar facilities.

JUNKYARD. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junkyard."

KENNEL. An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.

KENNEL, PRIVATE. Any building or buildings or land designed or arranged for the care of dogs or cats belonging to the owner of a principal use, kept for purposes of show, hunting, or as pets.

LAND DEVELOPMENT. Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) a group of two 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
 - (b) 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; or
 - (c) 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) A subdivision of land.
- (3) Provisions for the exclusion of certain land development only when such land development involves:
 - (a) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDOWNER. The legal or beneficial owner or owners of land including the holder, or an option or contract to purchase (whether or not such option or contract 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.

LANDSCAPE SCREEN: A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and high level screen.

LAUNDERETTE. A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHTING:

- (1) Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;
- (2) Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
- (3) Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE. An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT. 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.

LOT, CORNER. A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

LOT, DEPTH OF. The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH. The minimum lot width at the Building Setback Line.

LOT, NONCONFORMING. See NONCONFORMING LOT.

LOT OF RECORD. A lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

LOT, REVERSE FRONTAGE. A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED (MOBILE) HOME, DWELLING. See definition DWELLING, MANUFACTURED (MOBILE) HOME.

MANUFACTURED (MOBILE) HOME LOT. A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

MANUFACTURED (MOBILE) HOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes.

MANUFACTURING. The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical/electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

MASSAGE PARLOR. Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

MEDICAL CENTER. Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MINOR REPAIR. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress,

or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE. Occupancy of a building or land for more than one (1) use.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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.

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

NONCONFORMING USE. A use, whether of land or of structure, which does not comply with the applicable use provisions herein or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this Ordinance or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE. Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME. A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSCENE MATERIALS. Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION. Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OFFICE BUILDING. A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL. A room or rooms used for the carrying on of a profession including, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

OPEN SPACE. The unoccupied space open to the sky on the same lot with the building, not including parking lots.

OPEN SPACE, COMMON. 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 a development, not including streets, off-street parking areas, and areas set aside for public facilities.

PARKING LOT. Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE. The space within a building, or on a lot or parking lot, for the parking or storage of one (1) vehicle.

PARTY WALL: A common shared wall between two (2) separate structures, buildings, or dwelling units.

PAVED AREA. When required herein, that amount of land required for the location of adequate parking spaces, driveways, or other access roads. In the computation of a paved area, the actual building area shall be excluded.

PERSON. Any individual or group of individuals, corporations, partnership, or any similar entity.

PERSONAL CARE HOME. A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not related to the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in such matters as dressing, bathing, diet or

medication, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICE ESTABLISHMENT. A structure or portion thereof in which the services of a person, permitted to practice a specific profession, are offered to the general public. Personal services shall include, but not be limited to, agents, barbers, beauticians, cleaners, doctors, lawyers, optometrists, photographers, post offices, repairing, tailors, funeral directors, and utility collection offices.

PLANNING COMMISSION. The Planning Commission of the Borough of York Springs, Adams County, Pennsylvania.

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

PORCH. A covered area in excess of four (4') feet by five (5') feet or twenty (20) square feet in area at a front, side or rear door.

PREMISES. Any lot, parcel, or tract of land and any building constructed thereon.

PRIVATE. Not publicly owned, operated, or controlled.

PRIVATE ROAD. A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL OCCUPATION. The practice of a profession by any professional, including, but not limited to, Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PRURIENT INTEREST. Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition, that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

PUBLIC. Owned, operated or controlled by a government agency (Federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GROUNDS. Public grounds include the following:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;

- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance herein.

PUBLIC MEETING. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE. A 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 less than seven days from the date of the hearing.

PUBLIC USE. Public and semi-public uses of a welfare and educational nature, including, but not limited to, hospitals, schools, parks, churches, cemeteries, day care centers, historical restorations, fire stations, municipal buildings, essential public utilities which require enclosure within a building, airports, fraternal clubs and homes, non-profit recreational facilities, easements for alleys, streets, and public utility rights-of-way, and radio and television transmission facilities.

PUBLIC UTILITY FACILITIES. Public utility transmission and distribution facilities including substations and the like.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8') feet and a body length of no more than thirty-five (35') feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET. A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

SADOMASOCHISTIC ABUSES. Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SATELLITE DISH. See definition ANTENNA, SATELLITE DISH.

SCHOOL. Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY. See definition DAY CARE CENTERS.

SCREEN PLANTING. A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEXUAL CONDUCT. Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

SEXUAL EXCITEMENT. The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

SHOPPING CENTER. A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SIGHT DISTANCE. The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Specific sign definitions by type are provided in Article XII herein.

SINGLE AND SEPARATE OWNERSHIP. The ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

SITE DEVELOPMENT PLAN. A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and

utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

SOLAR ACCESS. A property owner's right to have the sunlight shine on his land.

SOLAR SKYSPACE. The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT. A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SPECIAL EXCEPTION. A use permitted in a particular zoning district pursuant to the provisions of Article XIV.

STORAGE FACILITY. A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

STORY. That portion of a building located between the surface of any floor and the ceiling or roof above it.

STORY, HALF. A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two (2) opposite exterior walls, are not over three (3') feet above the finished floor of such story.

STREET. A public right-of-way constructed to municipal standards which includes avenue, boulevard, road, highway, freeway, parkway, and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. A street shall not include a lane or alley for purposes of this Ordinance.

STREET CENTERLINE. The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

STREET, CUL-DE-SAC. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

STREET GRADE. The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE. The street line is the right-of-way line of a public street or the cartway line of a private street.

STREET, MAJOR:

- (1) Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas;
- (1) Collector Street: A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

STREET, MARGINAL ACCESS. A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic. Also known as a service road.

STREET, MINOR. A street used primarily for access to abutting properties.

STREET WIDTH. The distance between street lines measured at right angles to the center line of the street.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE, TEMPORARY. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STRUCTURE, NONCONFORMING. See definition NONCONFORMING STRUCTURE.

STUDIO. A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC. The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School," and other similar expressions.

SUBDIVISION (See LAND DEVELOPMENT). 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 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 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBSTANTIAL IMPROVEMENT. Is defined as any repair, alteration, reconstruction or improvement of a structure, and/or use, the cost of which equals or exceeds fifty (50%) percent of its market value either:

- (1) before improvement is started, or
- (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing.

THEATER. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

UNDEVELOPED LAND. Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, NONCONFORMING. See definition NONCONFORMING USE.

USE, PRINCIPAL. The primary or predominant use of any lot.

USE, TEMPORARY. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE. Relief granted pursuant to the provisions of Article XIV. In granting a variance in designated Flood Plain Districts, additional criteria shall also apply.

VEGETATIVE COVER. Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICULAR BODY SHOP. Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

VEHICULAR GARAGE. A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

VEHICULAR SALES ESTABLISHMENT. A building or lot or part thereof used for the sale, hire, or remuneration from automotive equipment, including vehicular accessory sales but not including the sale of "junked vehicular equipment.

VEHICULAR SERVICE STATION. Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

VEHICLE WRECKING. The dismantling or wrecking of used automobiles, trailers, or similar vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

YARD. An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER. A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

YARD, EXTERIOR. An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT. An open unoccupied space on the same lot with a main building or structure, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, INTERIOR. An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

YARD, REAR. An open unoccupied space on the same lot with a main building or structure, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

YARD, SIDE. An open unoccupied space on the same lot with the main building or structure situated between the side building setback line and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building or structure shall not extend into the required side yards.

ZONING. The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING MAP. The map setting forth the boundaries of the Zoning Districts of the Borough which shall be a part of this Ordinance.

ZONING PERMIT. A permit, stating that the purpose for which a building and/or structure or land is to be used, is in conformity with the uses permitted and all other requirements under this Ordinance for the district in which it is or will be located.

ZONING OFFICER. The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ARTICLE III

DESIGNATION OF DISTRICTS

Section 301. ZONING DISTRICTS

1. For the purpose of this Zoning Ordinance, York Springs Borough is hereby divided into five (5) zoning districts designated as follows:

| | |
|-------|---------------------------|
| (R-1) | Residential-Single-Family |
| (R-2) | Residential Multi-Family |
| (VR) | Village Residential |
| (VC) | Village Commercial |
| (CI) | Commercial-Industrial |

Section 302. ZONING MAP

1. The boundaries of the all districts noted above shall be shown upon the map attached to and made a part of this Ordinance, designated as "Zoning Map." The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described.
2. The boundaries of the Floodway (FW) and Flood Fringe (FF) Districts shall be those areas of York Springs Borough identified in the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency. Where the designated FW and FF Districts encroach upon any designated zoning district under this Ordinance, the regulations of the York Springs Borough Floodplain Management Ordinance shall apply as well.

Section 303. DISTRICT BOUNDARIES

1. Boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.
2. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, such figures shall indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
3. Where not clearly fixed by the above methods, boundaries shall be determined by a scaled interpretation of the Zoning Map.
4. Should any other uncertainty exist, the Zoning Hearing Board shall interpret the intent of the Zoning Ordinance and Map as to the exact location of district boundaries.

5. When a District boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the abutting district for a distance of not more than fifty (50') feet beyond the district boundary line.

ARTICLE IV

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 401. INTENDED PURPOSE

The purpose of the R-1 Single Family Residential District is to encourage the orderly development and preservation of existing single-family development in areas where single family detached dwellings are predominant and certain undeveloped areas where similar development could be extended.

Section 402. PERMITTED USES

1. Single-family detached dwellings.
2. Family care facilities.
3. Cluster subdivision/land development in accordance with Article IX herein.
4. Noncommercial agricultural and horticultural uses and structures, accessory to a residential use.
5. Municipal uses.
6. Public parks, playgrounds and municipal recreation areas.
7. Public utility and communication uses where operation requirements necessitate locating within the District.
8. Signs, when erected and maintained in accordance with Article XII herein.
9. Uses and buildings customarily accessory and incidental to any permitted use.

Section 403. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles IX and XIV herein.

1. Churches or similar places of worship, parish house, convents.
2. Home occupations.
3. Public and private schools.

4. Family day care facilities.
5. Clubs, lodges and fraternal organizations.
6. Radio and television antennas.

Section 404. HEIGHT REGULATIONS

1. The height of a building shall not exceed thirty-five (35') feet.
2. The height of an accessory building shall not exceed twenty (20') feet.

Section 405. LOT AREA, LOT WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

Lot area, lot width and impervious coverage requirements shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District as follows, unless otherwise specified herein:

1. Lot Area:
 - A. Single-family detached dwelling: Minimum of eight thousand (8,000) square feet.
 - B. Nonresidential uses: Lot area shall be based upon required setbacks, coverage, parking and loading/unloading standards, and any other applicable standards.
2. Lot Width:
 - A. Minimum lot width: Sixty (60') feet
3. Impervious Coverage:
 - A. Single-family detached dwellings: maximum of thirty-five (35%) percent.
 - B. Nonresidential uses: maximum of forty (40%) percent
 - C. At least twenty (20%) percent of the lot area shall be maintained in a vegetative cover.

Section 406. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

1. Front yard: Twenty-five (25') feet.

Exception: Where buildings exist in the same block on either side of the street, the setback

line of the building to be constructed shall be provided in accordance with Section 905 herein.

2. Side yards: Ten (10') feet.
3. Rear yard: Twenty (20') feet.
4. Where required, buffer yards/screening shall be provided in accordance with Section 906 herein.
5. For permitted yard reductions refer to Article IX herein.

Section 407. OFF-STREET PARKING/ACCESS

Parking and access shall be provided in accordance with Article XI herein.

Section 408. FLOODPLAIN DEVELOPMENT RESTRICTIONS

All permitted uses and uses permitted by special exception located within the Floodway (FW) and Flood Fringe (FF) Districts, as identified by the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), must comply with provisions as set forth in the York Springs Borough Flood Management Ordinance.

ARTICLE V
R-2 MULTI-FAMILY
RESIDENTIAL DISTRICT

Section 501. INTENDED PURPOSE

The purpose of the R-2 Residential District is to provide for the orderly development of wider range of higher density dwellings while maintaining the character and quality of existing development in such areas.

Section 502. PERMITTED USES

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling.
3. Two-family detached dwelling (duplex dwelling).
4. Single-family attached dwelling (rowhouse, townhouse and multiplex dwellings).
5. Accessory apartments.
6. Apartment dwelling (garden apartment, apartment house).
7. Family care facility.
8. Public and private parks, playgrounds and municipal recreation areas.
9. Municipal uses.
10. Public utility and communication uses where operation requirements necessitate locating within the District.
11. Signs, when erected and maintained in accordance with Article XII herein.
12. Uses and buildings customarily accessory and incidental to any permitted uses.

Section 503. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles IX and XIV herein.

1. Home occupation.
2. Churches or similar places of worship, parish house, convents.
3. Public and private schools.
4. Family day care facility.
5. Group day care facility.
6. Group care facility.
7. Nursing home.
8. Funeral home.
9. Mobile home park.
10. Radio and television antennas.

Section 504. HEIGHT REGULATIONS

1. The height of a building shall not exceed thirty-five (35') feet.
2. The height of an accessory building shall not exceed twenty (20') feet.

Section 505. LOT AREA, WIDTH AND COVERAGE REGULATIONS

1. Residential Uses

- A. The minimum lot area per dwelling unit, minimum lot width and maximum impervious coverage shall be not less than that indicated below:

| DWELLING TYPE | LOT AREA PER DWELLING UNIT (square feet) | LOT WIDTH (feet) | IMPERVIOUS COVERAGE (%) |
|-----------------------------|--|------------------|-------------------------|
| Single-family detached | 5000 | 50 | 40 |
| Single-family semi-detached | 3000 | 30 | 40 |
| Single-family attached | 2000 | 20 | 50 |

| (con't.) DWELLING TYPE | LOT AREA PER DWELLING UNIT (square feet) | LOT WIDTH (feet) | IMPERVIOUS COVERAGE (%) |
|------------------------------|--|------------------------|-------------------------------|
| Two-family detached | 3500 | 50 ¹ | 50 |
| Apartment dwellings | 2200 | -- | 50 |
| Accessory apartment | 2500 | 50 | 50 |
| ¹ per building | | | |

B. Lot area, width, and impervious coverage regulations for all other residential uses shall be in accordance with Article IX herein.

2. Nonresidential Uses

A. For a permitted nonresidential use, the lot area shall be based upon required setbacks, coverage, parking and loading/unloading standards, and any other applicable standards.

B. Minimum lot width: Fifty (50') feet

C. Unless otherwise specified within Article IX herein, impervious coverage for permitted nonresidential uses shall not exceed fifty (50%) percent.

3. At least twenty (20%) percent of the lot area shall be maintained with a vegetative cover.

Section 506. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this district unless otherwise specified herein:

1. Front yard: Twenty-five (25') feet.

Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Section 905 herein.

2. Side yards: (Excluding apartments and/or attached dwellings.) Eight (8') feet.

3. Rear yard: (Excluding apartments and/or attached dwellings.) Twenty (20') feet.

4. For apartment and/or attached dwellings of one or two stories, there shall be a front yard, two (2) side yards and a rear yard each of not less than twenty-five (25') feet. For each story over two (2), five (5') feet of width or depth shall be added to each yard.
5. Where required, buffer yards/screening shall be provided in accordance with Section 906 herein.
6. For permitted yard reductions refer to Article IX herein.

Section 507. OFF-STREET PARKING/ACCESS

Parking and access shall be provided in accordance with Article XI herein.

ARTICLE VI

VR VILLAGE RESIDENTIAL DISTRICT

Section 601. INTENDED PURPOSE

The purpose of the VR Village Residential District is to provide a mechanism for the continuation of the Village character of the Borough of York Springs. The Village Residential District shall provide for the compatible development of mixed residential and commercial establishments with an emphasis upon residential uses.

Section 602. PERMITTED USES

1. General farming and horticultural uses.
2. Single family detached dwellings.
3. Single-family semi-detached dwellings.
4. Multi-family dwellings (townhouses, apartments)
5. Family care facilities.
6. Home occupations.
7. Municipal uses.
8. Public parks, playgrounds and municipal recreational uses.
9. Public utility and communication uses where operation requirements necessitate locating within District.
10. Signs when erected and maintained in accordance with Article XII herein.
11. Uses and buildings customarily accessory and incidental to the above permitted uses.

Section 603. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles IX and XIV herein.

1. Conversion of single family to multifamily provided that there are no more than five (5) dwelling units within any one (1) lot.
2. Accessory apartments.

3. Churches or similar places of worship, parish houses, and convents.
4. Bed and breakfast establishment.
5. Village oriented retail shop less than 2500 square feet.
6. Family and group day care homes.
7. Child and adult day care centers.
8. Public or private schools.
9. Club, lodge, or other fraternal organization.
10. Funeral homes.
11. Radio and television antennas.
12. Personal care homes.

Section 604. HEIGHT REGULATIONS

1. The height of a principal building or structure shall not exceed thirty-five (35') feet.
2. The height of an accessory building or structure shall not exceed twenty (20') feet,

Section 605. LOT AREA, WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

1. A minimum lot area of 7,500 square feet and minimum lot width of sixty (60') feet shall be provided for all buildings used in accordance with Sections 602 and 603, unless otherwise specified in Subsection 3. below.
2. Unless otherwise specified in Subsection 3. below or Article IX, maximum impervious coverage shall not exceed fifty (50%) percent. At least twenty (20%) percent shall be maintained in vegetative cover.
3. Lot area, width and impervious coverage regulations for certain uses are as follows:

| DWELLING TYPE | LOT AREA PER DWELLING UNIT (square feet) | LOT WIDTH (feet) | IMPERVIOUS COVERAGE (%) |
|-----------------------------|--|------------------|-------------------------|
| Single-family semi-detached | 4000 | 30 | 50 |

| (Con't.) DWELLING TYPE | LOT AREA PER DWELLING UNIT (square feet) | LOT WIDTH (feet) | IMPERVIOUS COVERAGE (%) |
|------------------------------|--|------------------------|-------------------------------|
| Single-family attached | 2500 | 20 | 50 |
| Apartment dwellings | 3000 | -- | 50 |
| Accessory apartment | 2500 | 60 | 50 |

Section 606. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified in Article IX herein.

1. Front Yard:
 - A. The minimum front yard shall be not less than the smaller of the front yards of the two (2) buildings immediately adjacent (on either side) of the proposed building/use, or ten (10') feet from the dedicated right-of-way of the street, whichever is greater.
 - B. For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or twenty-five (25') feet, whichever is greater, to ensure adequate visibility at intersections.
2. Side Yards: Eight (8') feet.
3. Rear Yard: Twenty (20') feet.
4. Maximum Building Dimension: In no instance shall the greatest dimension of a building exceed 100 feet, measured parallel to exterior building walls.
5. Minimum Distance Between Buildings: The minimum distance between any two (2) buildings, or portions, thereof, shall be sixteen (16') feet.
6. Buffer Yard Requirements:
 - A. A buffer yard of twenty-five (25') feet shall be provided along side or rear property lines abutting all other districts, excepting Village Commercial. Such buffer shall be maintained in vegetative planting.

B. A buffer yard of five (5') feet shall be provided for parking areas serving a nonresidential or multifamily use where adjacent to a residential use. Such yard may be a part of the required side and/or rear yard or buffer yard as required by Section 606.6.A. above, and shall be planted and maintained as follows:

- (1) All evergreen vegetation to be installed shall not be less than five (5') feet in height at the time of planting and shall be of such species that expected height at maturity shall be not less than fifteen (15') feet.
- (2) All deciduous material to be installed shall not be less than eight (8') feet in height and two-inch caliper.
- (3) All plant material shall be maintained and replaced as needed.
- (4) Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.

Section 607. OFF-STREET PARKING/ACCESS

Off-street parking and access shall be provided in accordance with Article XI herein.

Section 608. FLOODPLAIN DEVELOPMENT RESTRICTIONS

All permitted uses and uses permitted by special exception located within the Floodway (FW) and Flood Fringe (FF) Districts, as identified by the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), must comply with provisions as set forth in the York Springs Borough Floodplain Management Ordinance.

Section 609. USE STANDARDS

The above specified uses shall be permitted only under the following conditions:

1. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with Section 902 herein.
2. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises.

3. Except in cases of public emergency, there shall be no demolition of any building within the Village Residential District unless an application for a building permit for work to replace the building to be demolished has been filed with the Zoning Officer at least fifteen (15) days prior to the next Planning Commission meeting date. Provided, however, the applicant may instead post a bond with the Borough Council to secure compliance with Section 609 herein. The amount of such bond shall be in the amount of 110% of estimated cost for required improvements as accepted by the Borough Engineer.
4. Every owner of any vacant lot within the VR District shall keep the lot clean, free from garbage, litter, standing water, debris, motor vehicles, whether or not abandoned, and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of the VR District or adjacent properties.
5. Any lot within the VR District kept vacant for more than 180 days following the demolition of any buildings thereon shall be landscaped and thereafter maintained in good order. The landscaping shall be in accordance with a site plan approved by the Planning Commission and be appropriate to a pocket park or garden. The lot shall be fenced as appropriate for public safety and aesthetics. All plant material shown on the approved plan shall be watered, fertilized, pruned, kept clean from weeds and litter, and replaced if diseased, injured, or dead, consistent with good horticultural practices. Such lots shall not be used for storage.

ARTICLE VII

VC VILLAGE COMMERCIAL DISTRICT

Section 701. INTENDED PURPOSE

The purpose of the VC Village Commercial District is to provide a mechanism for the continuation of the Village character of the Borough of York Springs. The Village Commercial District shall provide for the compatible development of primarily nonintensive commercial establishments mixed with residential uses.

Section 702. PERMITTED USES

1. Single family detached dwellings.
2. Single-family semi-detached dwellings.
3. Multi-family dwellings with no more than three (3) dwelling units per lot.
4. Residential conversions with no more than three (3) dwelling units per lot.
5. Accessory apartments.
6. Family care facilities.
7. Group care facilities.
8. Home occupations.
9. Retail store (not to exceed 10,000 square feet).
10. Office use.
11. Service establishment.
12. Financial establishment, excluding drive-ins.
13. Funeral home.
14. Bed and breakfast establishment.
15. Eating establishment, excluding drive-ins.
16. Tavern.
17. Churches or similar place of worship, parish house and convents.
18. Municipal uses.

19. Public utility and communication uses where operation requirements necessitate locating within District.
20. Signs when erected and maintained in accordance with Article XII herein.
21. Uses and buildings customarily accessory and incidental to the above permitted uses.

Section 703. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles IX and XIV herein.

1. Family and group day care homes.
2. Lodging facilities other than bed and breakfast establishments.
3. Club, lodge, or other fraternal organization.
4. Confectionery or bakery for production of articles to be sold at retail only on the premises.
5. Repair shops.
6. Woodworking shops.
7. Drive-in establishments.
8. Amusement arcades.
9. Medical centers (not to exceed 10,000 square feet)
10. Radio and television antennas.

Section 704. HEIGHT REGULATIONS

1. The height of a principal building or structure shall not exceed forty (40') feet.
2. The height of an accessory building or structure shall not exceed twenty (20') feet.

Section 705. LOT AREA, WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

1. A minimum lot area of 6,000 square feet and minimum lot width of fifty (50') feet shall be provided for all buildings used in accordance with Sections 702 and 703, unless otherwise specified in Subsection 3. below.

2. Unless otherwise specified in Subsection 3. below or Article IX, maximum impervious coverage shall not exceed seventy-five (75%) percent. At least ten (10%) percent shall be maintained in vegetative cover.
3. Lot area, width and impervious coverage regulations for certain uses are as follows:

| DWELLING TYPE | LOT AREA PER DWELLING UNIT (square feet) | LOT WIDTH (feet) | IMPERVIOUS COVERAGE (%) |
|-----------------------------|--|------------------|-------------------------|
| Single-family semi-detached | 3500 | 30 | 75 |
| Single-family attached | 2500 | 20 | 75 |
| Apartment dwellings | 3000 | -- | 75 |
| Accessory apartment | 2500 | 60 | 75 |

Section 706. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified in Article IX herein.

1. Front Yard:
 - A. The minimum front yard shall be not less than the smaller of the front yards of the two (2) buildings immediately adjacent (on either side) of the proposed building/use, or ten (10') feet from the dedicated right-of-way of the street, whichever is greater.
 - B. For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or twenty-five (25') feet, whichever is greater, to ensure adequate visibility at intersections.
2. Side Yards: Eight (8') feet.
3. Rear Yard: Twenty (20') feet.
4. Maximum Building Dimension: In no instance shall the greatest dimension of a building exceed 100 feet, measured parallel to exterior building walls.

5. Minimum Distance Between Buildings: The minimum distance between any two (2) buildings, or portions, thereof, shall be sixteen (16') feet.
6. Buffer Yard Requirements:
 - A. A buffer yard of twenty-five (25') feet shall be provided along side or rear property lines abutting all other districts, excepting Village Residential. Said buffer shall be maintained in vegetative planting.
 - B. A buffer yard of five (5') feet shall be provided for parking areas serving a nonresidential or multifamily use where adjacent to a residential use. Such yard may be a part of the required side and/or rear yard and shall be planted and maintained as follows:
 - (1) All evergreen vegetation to be installed shall not be less than five (5') feet in height at the time of planting and shall be of such species that expected height at maturity shall be not less than fifteen (15') feet.
 - (2) All deciduous material to be installed shall not be less than eight (8') feet in height and two-inch caliper.
 - (3) All plant material shall be maintained and replaced as needed.
 - (4) Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.

Section 707. OFF-STREET PARKING/ACCESS

Off-street parking and access shall be provided in accordance with Article XI.

Section 708. FLOODPLAIN DEVELOPMENT RESTRICTIONS

All permitted uses and uses permitted by special exception located within the Floodway (FW) and Flood Fringe (FF) Districts, as identified by the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), must comply with provisions as set forth in the York Springs Borough Floodplain Management Ordinance.

Section 709. USE RESTRICTIONS

The above specified uses shall be permitted only under the following conditions:

1. Such uses, operations or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matter or other causes in accordance with Section 902 herein.
2. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises.
3. Except in cases of public emergency, there shall be no demolition of any building within the Village Commercial District unless an application for a building permit for work to replace the building to be demolished has been filed with the Zoning Officer at least fifteen (15) days prior to the next Planning Commission meeting date. Provided, however, the applicant may instead post a bond with the Borough Council to secure compliance with Section 709 herein. The amount of such bond shall be in the amount of 110% of estimated cost for required improvements as accepted by the Borough Engineer.
4. Every owner of any vacant lot within the VC District shall keep the lot clean, free from garbage, litter, standing water, debris, motor vehicles, whether or not abandoned, and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of the VC District or adjacent properties.
5. Any lot within the VC District kept vacant for more than 180 days following the demolition of any buildings thereon shall be landscaped and thereafter maintained in good order. The landscaping shall be in accordance with a site plan approved by the Planning Commission and be appropriate to a pocket park or garden. The lot shall be fenced as appropriate for public safety and aesthetics. All plant material shown on the approved plan shall be watered, fertilized, pruned kept clean from weeds and litter, and replaced if diseased, injured, or dead, consistent with good horticultural practices. Such lots shall not be used for storage.

ARTICLE VIII

CI COMMERCIAL INDUSTRIAL DISTRICT

Section 801. INTENDED PURPOSE

The intended purpose of the CI Commercial Industrial District is primarily to provide for existing intensive Commercial and Industrial Uses located in one area of the Borough.

Section 802. PERMITTED USES

1. Vehicular service stations.
2. Vehicular garages for the storage and repair of motor vehicles, including vehicular body shops.
3. Florists and nurseries provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within a building.
4. Any form of agriculture or horticulture and related processing facilities, with the exception of fish and meat products, sauerkraut, vinegar and the rendering of fats and oils.
5. Building materials storage and lumber yards.
6. Any manufacturing, wholesaling or distributing use which meets performance standards as set forth in Section 902 herein.
7. Business offices.
8. Repair shops.
9. Woodworking shops.
10. Municipal uses.
11. Public utility and communication uses where operation requirements necessitate locating within District.
12. Signs when erected and maintained in accordance with Article XII herein.
13. Uses and buildings customarily accessory and incidental to the above permitted uses.

Section 803. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles IX and XIV herein.

1. Animal hospital/kennel.
2. Blacksmith and machine shop.
3. Outside storage and display when accessory to a permitted use, provided that the following provisions are met:
 - A. Outside storage or display shall not occupy any part of the street right-of-way and no other area intended or designed for pedestrian use, required parking areas, nor required front yard.
 - B. Outside storage and display area shall not occupy an area of less than one-half the existing building coverage. In no case shall more than twenty-five (25%) percent of the lot area be used in outdoor storage or display.
 - C. Outside storage areas shall be shielded from view of public streets and adjacent residential uses.
4. Radio and television antennas.

Section 804. PERFORMANCE STANDARDS

1. All such uses shall be conducted in accordance with performance standards as set forth in Section 902 herein.

Section 805. HEIGHT REGULATIONS

1. The height of a principal building or structure shall not exceed forty (40') feet.
2. The height of an accessory building or structure shall not exceed twenty (20') feet.

Section 806. LOT AREA, WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

1. Except as otherwise required by Article IX herein, minimum lot area and width shall be based upon required setbacks, coverage, parking, loading/unloading and other applicable standards.
2. Maximum impervious coverage: Sixty (60%) percent.

3. At least ten (10%) percent shall be maintained in vegetative cover.

Section 807. SETBACK REGULATIONS

The following setback regulations apply to all uses permitted within this District unless otherwise specified in Article IX herein.

1. Front Yard: Thirty (30') feet.
2. Side Yards: Fifteen (15') feet.
3. Rear Yard: Ten (10') feet.
4. Minimum Distance Between Buildings: The minimum distance between any two (2) buildings, or portions, thereof, shall be sixteen (16') feet.
5. Buffer Yard Requirements: Buffer yards and screen plantings shall be provided in accordance with Section 906 herein.

Section 808. OFF-STREET PARKING/ACCESS AND LOADING/UNLOADING

Off-street parking and access and loading and unloading requirements shall be provided in accordance with Article XI herein.

ARTICLE IX

GENERAL PROVISIONS

SECTION 901. USE REGULATIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

1. ADULT DAY CARE

Where permitted, or permitted as a special exception, adult day care facilities may be established subject to the following conditions:

- A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards of this Ordinance.
- B. Off-street parking shall be provided in accordance with Article XI herein. In addition, at least two (2) parking spaces, or (5%) percent of all parking spaces shall be designated as handicapped parking.
- C. The facility shall be conducted and operated in accordance with applicable Commonwealth laws and regulations in addition to other applicable provisions herein.

2. ADULT USES

Where permitted as a special exception, adult uses, as defined herein, may be established subject to the following provisions:

- A. Such uses shall not be located within 1000 feet of a church, school, park or playground, or other adult use.
- B. Off-street parking shall be provided in accordance with Article XI herein.
- C. Adult uses shall comply with all other applicable zoning ordinance provisions.

3. AMUSEMENT ARCADE

Where permitted as a special exception, amusement arcades may be established in accordance with the following provisions:

- A. Amusement arcades shall be located at least one thousand (1,000') feet from school buildings, school playgrounds, and church buildings.

- B. The facility shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses.
- C. Readily visible signs shall be installed, with their location, size and text shown in plans submitted to the Planning Commission, prohibiting the use of amusement devices by persons under sixteen (16) years of age during normal school hours, and, where the premises are used primarily for the serving or consumption of alcohol, prohibiting the use of such amusements by persons under twenty-one (21) years of age at all times.
- D. Off-street parking shall be provided in accordance with Article XI herein.

4. ANTENNAS, RADIO AND TELEVISION

A. Satellite Dish Antennas

Satellite dish antennas shall be permitted as accessory structures provided that:

- (1) No such antenna shall be located in any front yard.
- (2) No more than one (1) antenna shall be located on any one (1) lot in a Residential or Village District.
- (3) The maximum diameter of any antenna shall be eight (8') feet.
- (4) The maximum height of any freestanding antenna shall be fifteen (15') feet.
- (5) No part of any freestanding antenna shall be located any closer than ten (10') feet to any property line.
- (6) No such antenna shall be located on the roof of any accessory building such as detached garages or sheds.
- (7) Roof-mounted antennas shall not be permitted in residential or village zoning districts nor located on the front roof line, unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that a roof-mounted antenna is the only feasible method of obtaining reception due to physical characteristics of the property and the location of existing structures.

- (8) Roof-mounted antennas shall be constructed of a wire mesh material or its equivalent and shall not exceed twelve (12') feet in height.

B. Other Radio and Television Antennas

Other radio and television antennas, subject to licensing and/or regulation by the Federal Communications Commission, shall be permitted as accessory structures provided that:

- (1) Any freestanding antenna shall be located at least fifteen (15') feet from any dwelling unit or principal structure on the lot.
- (2) Antennas and associated structures which do not exceed thirty (30') feet in height shall be located at least fifteen (15') feet from any property line. Antennas which exceed thirty (30') feet in height shall provide an additional one (1') foot of clearance for every one (1') foot of height in excess of thirty (30') feet.
- (3) Antennas shall not be permitted in any front yard.
- (4) The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
- (5) The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five (5') feet to any property line.
- (6) In granting the use, the Zoning Hearing Board may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, fencing, screening and increased setbacks.

C. General Development Standards

All antennas are subject to the following provisions:

- (1) Antennas shall meet all manufacturer's specifications. The mast or tower shall be of

noncombustible and corrosive-resistant material. The miscellaneous hardware, such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by a galvanizing or similar process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.

- (2) Whenever it is necessary to install an antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard. Antennas and guy wires must be kept at least four (4') feet clear of telephone or electric wires.
- (3) Every antenna must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved for grounding masts and lightning arresters, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2") inches from combustible materials. Lightning arresters, approved by the Underwriters' Laboratories, Inc., shall be used. Both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor.

When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.

- (4) The antenna including guy wires, supporting structures and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. Screening material shall be of a height necessary to conceal the antenna without reception being obstructed. Screening shall not exceed six (6') feet in height. The materials used in constructing the antenna shall not be

unnecessarily bright, shiny, garish or reflective.

- (5) A building permit shall be required for the installation of an antenna. The permit shall be subject to payment of the fee established by resolution by Borough Council.
- (6) All antennas shall be maintained in good condition and in accordance with all requirements of this Section.
- (7) All antennas shall be subject to periodic reinspection. No addition, changes, or modifications shall be made to an antenna, unless the addition, change, or modification is in conformity with Borough Building Codes and Special Exception Permit.

5. APARTMENT, ACCESSORY

Where permitted, or permitted as a special exception, an accessory apartment may be created in a single-family detached dwelling existing as of the effective date of this Ordinance, provided that:

- A. The apartment will be a complete and separate housekeeping unit that can be isolated from the original unit.
- B. Only one (1) apartment will be created within a single-family detached dwelling unit.
- C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.
- D. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached building. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original structure by more than ten (10%) percent.
- E. The design and size of the apartment conforms to all applicable State and Borough standards/codes including, but not limited to, Pennsylvania Department of Labor and Industry regulations.
- F. Additions and alterations carried out in the last three

(3) years prior to application, which add more than the permissible ten (10%) percent to the previous floor area of the existing single-family detached dwelling shall not be considered in determining adequate space.

- G. The minimum habitable floor area of such converted dwelling unit and the existing single-family dwelling unit shall be provided in accordance with Section 912 herein. Under no circumstances shall the apartment be greater than thirty (30%) percent of the structure's total floor area nor greater than eight hundred (800) square feet.
- H. Off-street parking shall be provided in accordance with Article XI herein.

6. APARTMENT, CONVERSION

Where permitted, or permitted by special exception, any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one (1) family, provided that:

- A. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with Section 912.
- B. There is no exterior evidence of change in the building except as required by state or local building or housing codes or regulations.
- C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- D. Off-street parking shall be provided in accordance with the provisions of Article XI.
- E. The plans for the conversion of said building shall be submitted to the Zoning Officer/Planning Commission for review and forwarded to the Zoning Hearing Board or Borough Council for approval.

7. BOARDING HOMES (includes Rooming/Lodging Houses and Beds and Breakfast Establishments as a principal use)

Where permitted as a special exception, boarding homes may be established subject to the following conditions:

- A. Accommodations shall be limited to no more than ten (10) guest rooms for rent.

- B. Not more than twenty (20) guests may be accommodated at any one time.
- C. Meals for compensation shall be provided only to boarding home guests. No cooking facilities shall be provided or permitted in the individual guest rooms.
- D. Guest rooms shall contain a minimum of two hundred-fifty (250) square feet of habitable floor area per person.
- E. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25') feet.
- F. Off-street parking shall be provided in accordance with Article XI herein.

8. CHURCHES, SCHOOLS, AND OTHER PUBLIC BUILDINGS

In districts where permitted or permitted as a special exception, these uses shall meet the following requirements:

- A. The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements, but in no case shall the lot area be less than twenty thousand (20,000) square feet.
- B. Lot coverage shall not be greater than that required within the respective district.
- C. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall be less than one hundred (100') feet in width.
- D. Each lot shall have yards not less than the following depths or widths:
 - (1) Front yard depth, thirty (30') feet.
 - (2) Side yard - two (2) in number, width not less than twenty (20').
 - (3) Rear yard depth, thirty (30') feet.
- E. A buffer yard/screen planting of no less than ten (10') feet in depth shall be maintained along all property lines and shall be placed in accordance with Section 906 herein.
- F. Off-street parking shall be provided in accordance with the provisions of Article XI herein.

9. CLUBS, LODGES, AND FRATERNAL ORGANIZATIONS

In districts where permitted as a special exception, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A buffer yard/screen planting of no less than five (5') feet in depth shall be maintained along all property lines abutting a residential use.

10. CLUSTER SUBDIVISION/LAND DEVELOPMENT

Where permitted, a cluster subdivision and/or land development may be established in accordance with the following intent and regulations:

A. Intent

The intent the cluster-type development is to permit a procedure for development which will:

- (1) Promote more economic and aesthetically pleasing site design;
- (2) Encourage ingenuity and originality in total subdivision and individual site design;
- (3) Preserve open space to serve recreational, scenic, and public service purposes, and preserve environmentally sensitive resources and areas.

B. Specifications

A cluster subdivision/land development shall meet the following minimum specifications:

- (1) Single-family detached and semi-detached dwellings shall be permitted. Fifty (50%) percent of all units must be single-family detached.
- (2) Proposed development must be serviced by public water and sewer.
- (3) Minimum developable tract size shall be five (5) contiguous acres for development. The following shall not be considered in calculating developable tract size:

- a. Fifty (50%) percent of all lands situated in the regulatory flood plain; and
 - b. Fifty (50%) percent of all lands with slopes exceeding fifteen (15%) percent.
- (4) Density shall be a maximum of six (6) units per acre. Density shall be based upon gross acreage (total land area) of tract.
 - (5) Lot size shall not be reduced by more than twenty-five (25%) percent of minimum lot size for a single-family detached dwelling in the R-1 Residential District.
 - (6) Yards dimensions shall be recommended by the Borough Planning Commission and approved by the Borough Council as part of the preliminary plat approval, except that each perimeter lot in a cluster development shall have a side or rear yard of not less than the required side or rear yard of the District. Yard setbacks for all lots fronting on public streets shall not be less than thirty (30') feet.
 - (7) Buffer yards of no less than ten (10') feet in width shall be required along perimeter property lines where units in a proposed cluster development abut noncluster residential development. All buffer yards shall be planted in accordance with Section 906 herein. Where buffers are required, a plan shall be submitted showing the location, size, species and number of plant materials to be used.
 - (8) Minimum spacing between structures shall be sixteen (16') feet.
 - (9) Garages and accessory buildings may be located in any rear yard, provided that they do not violate the coverage regulations herein set forth and that side yards of not less than two (2') feet, and a rear yard setback of not less than three (3') feet are provided.
 - (10) The maximum permitted impervious coverage shall be forty (40%) percent and shall apply to the developable tract area total rather than to individual lots.
 - (11) Dwelling units shall not exceed thirty-five (35') feet in height. All other buildings shall not exceed forty (40') feet in height.

(12) Off-street parking and access shall be provided in accordance with Article XI, herein.

(13) Open space areas shall be provided in accordance with Section 901 herein.

11. DAY CARE CENTERS

Where permitted as a special exception, day care centers may be established subject to the following:

- A. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
- B. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards but in no case shall be less than eight thousand (8,000) square feet plus five hundred (500) square feet for every child over ten (10).
- C. The minimum front, side and rear yard setbacks shall be no less than twenty-five (25') feet.
- D. Outdoor play area shall be located in the rear yard and be surrounded by a safety fence or natural barrier.
- E. Outside play shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- F. No day care center shall be located within five hundred (500') feet from another day care center or group day care facility.
- G. Off-street parking shall be provided in accordance with Article XI herein.

12. DRIVE-IN USES (See VEHICULAR SERVICE STATION AND OTHER DRIVE-IN TYPE USES)

13. FAMILY CARE FACILITY

Where permitted or permitted as a special exception, family care facilities may be established subject to the following conditions:

- A. Lot area, width, and yard regulations shall be in compliance with applicable district requirements.
- B. Off-street parking shall be provided in accordance with Article XI herein.

C. All other applicable provisions of this Ordinance.

14. FAMILY DAY CARE HOMES/GROUP DAY CARE HOMES

Where permitted or permitted as a special exception, family day care and group day care homes may be established subject to the following conditions:

- A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.
- B. A minimum of 100 square feet of usable outdoor play space and forty (40') feet of usable indoor space must be provided for each child present at the facility, including resident children.
- C. Outside play shall be limited to the rear yard of such facility and the hours between 8:00 a.m. and 7:00 p.m.
- D. A buffer yard of no less than (10') feet in depth shall be established along rear and side lot lines in accordance with Section 906 herein. Said buffer yard shall be provided in addition to required side and rear yards and shall not be including in determining usable outdoor play area.
- E. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
- F. Off-street parking shall be provided in accordance with Article XI herein.

15. FUNERAL HOMES

Where permitted or permitted as a special exception, funeral homes may be established subject to the following conditions:

- A. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than five thousand (5000) square feet.
- B. Minimum front, side, and rear yard setbacks shall be fifteen (15') feet.
- C. Lot width shall be determined by the size of the building and setbacks.

- D. A buffer yard/screen planting of no less than five (5') feet in depth shall be maintained along rear and side lot lines abutting a residential use.

16. GARDEN APARTMENTS

Where permitted, all garden apartments shall comply with the following:

- A. There shall be not more than twelve (12) dwelling units per building.
- B. No garden apartment building shall be in excess of two (2) stories in height.
- C. A visual structural break shall be provided between every four (4) dwelling units.
- D. Lot area per dwelling unit shall not be less than the area required by the applicable district regulations.
- E. All applicable provisions of this Ordinance.

17. GROUP CARE FACILITY

Where permitted as a special exception, group care facilities may be established subject to the following:

- A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than seven thousand five hundred (7500) square feet plus five hundred (500) square feet for every resident over ten (10).
- B. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25') feet.
- C. Off-street parking shall be provided in accordance with Article XI herein.
- D. All other applicable provisions of this Ordinance.

18. GROUP DAY CARE HOME (See FAMILY DAY CARE HOME/GROUP DAY CARE HOME).

19. HOME OCCUPATION

Where permitted or permitted as a special exception, home occupations may be established subject to the following conditions:

- A. The home occupation shall be carried on completely within the dwelling unit or accessory building.
- B. No more than one (1) home occupation per lot shall be permitted.
- C. Not more than one (1) person other than the occupants of the dwelling unit shall be employed.
- D. Not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be devoted to a home occupation.
- E. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, or for food served as part of a bed and breakfast establishment.
- F. No more than one article offered for sale in accordance with Subsection 19.E above, shall be permitted to be displayed, exterior of the structure.
- G. There shall be no exterior sign (except as permitted in the regulation of signs in this ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building, with the exception of Subsection 19.F above.
- H. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- I. A home occupation may include, but is not limited to art studios; dressmaking or millinery; barbershop; beauty parlor; teaching, music or dance instruction limited to a single pupil at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; bed and breakfast establishments; or any other activities of a similar nature.
- J. A home occupation shall, under no circumstances, be interpreted to include a commercial stable or a kennel.
- K. Off-street parking shall be provided in accordance with the provisions of Article XI herein.
- L. Bed and breakfast establishments as a home occupation shall meet the following additional requirements:
 - (1) Sleeping accommodations shall be located only

within the dwelling and shall be limited to no more than three (3) rooms for rent with a total size not to exceed thirty-five (35%) percent, or 750 square feet, of the dwelling, whichever is less.

- (2) Not more than six (6) adult guests may be accommodated at any one time. The length of stay per guest shall be limited to fifteen (15) days.
- (3) Off-street parking shall be provided in accordance with Article XI herein.
- (4) Meals for compensation shall be provided only to guests of the bed and breakfast establishments.

20. KENNELS

Where permitted as a special exception, an animal kennel may be established in accordance with the following provisions:

- A. All kennels shall be licensed by the Commonwealth of Pennsylvania.
- B. All buildings in which animals are housed and all runs shall be located at least two hundred (200') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line.
- C. Outdoor runs may be provided if screening is provided in accordance with Section 906 herein. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

21. MANUFACTURED/MOBILE HOME PARKS/SUBDIVISIONS

Where permitted, manufactured/mobile home parks and subdivisions shall be subject to the following provisions:

- A. A manufactured mobile home park/subdivision shall be developed and approved in accordance with regulations as set forth in the York Springs Borough Subdivision and Land Development Ordinance as amended.
- B. Minimum tract size shall be not less than five (5) acres.
- C. Manufactured/mobile home lots shall be not less than fifty (50') feet wide measured at the minimum required setback line nor less than fifty-five hundred (5500) square feet in area, per mobile home unit exclusive of streets and other public areas.

- D. Minimum building setback line from the cartway line of a private street shall be twenty (20') feet.
- E. The minimum spacing between manufactured/mobile home units, including attached accessory structures, shall be no less than twenty (20') feet. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required and shall be subject to all front yard requirements of this Ordinance.
- F. The minimum rear yard for each lot shall be ten (10') feet.
- G. Detached accessory structures shall be located on the lot no closer than five (5') feet from a manufactured/mobile home and shall comply with the required front, side and rear setback lines.
- H. Manufactured/mobile home units shall not be located closer than twenty-five (25') feet from the park/subdivision property lines on the sides and rear not adjacent to a street. Units adjacent to public streets shall not be located closer than thirty-five (35') feet to the right-of-way line and shall contain a buffer yard in accordance with Section 906 herein.
- I. Lots shall be served by both public water supply and sanitary sewerage collection systems.
- J. Off-street parking and loading spaces shall be provided for in accordance with Article XI herein.
- K. Not less than ten (10%) percent of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.
- L. Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

22. MEDICAL CENTERS

Where permitted as a special exception, a building for use as a medical center may be erected and used provided that:

- A. The building shall be occupied and used only by persons licensed to practice the healing arts in Commonwealth of Pennsylvania, and their staffs.

- B. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.
- C. The minimum front, side and rear yard setbacks shall be no less than twenty-five (25') feet.
- D. Lot width shall be determined by the size of the building and setbacks.
- E. A buffer yard/screen planting of no less than five (5') feet in depth shall be maintained along side and rear lot lines abutting a residential use. Said buffer yard/screening planting shall be provided within the required side and/or rear yard.
- F. Off-street parking shall be provided in accordance with the provisions of Article XI herein.

23. MIXED USES

- A. When two (2) or more principal uses occupy the same lot but not the same building, all parking, lot area, lot width, building setbacks, height, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.
- B. No building to the rear of and on the same lot with a main building shall be erected or used for residential purposes unless such rear building conforms with all use, height, access and area requirements of the district in which it is located.
- C. When two (2) or more principal uses occupy the same building on the same lot, all parking, lot area, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full.

24. MUNICIPAL USES

In any district, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation uses.

25. NURSING HOMES

Where permitted, or permitted as a special exception, a building for such use may be erected and used subject to the following:

- A. The facility shall be constructed and operated in accordance with applicable Commonwealth laws and regulations.
- B. The minimum lot area and lot width shall be determined by building size, yards and off-street parking requirements, but in case shall the lot area be less than seven thousand five hundred (7500) square feet plus five hundred (500) square feet for each patient over eight (8).
- C. The minimum front, side, and rear yard setbacks shall be no less than twenty-five (25') feet.
- D. A buffer yard/screen planting of no less than five (5') feet in depth shall be established along rear and side lot lines. Said buffer yard/screen planting shall be provided concurrently with required side and rear yards.

26. OPEN SPACE REQUIREMENTS

- A. Where required as part of a cluster subdivision/land development, open space areas shall be developed to complement and enhance the man-made environment. In the selection of the location of such area, consideration shall be given to the preservation of natural and man-made features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed, including flood plains, streams and ponds, slopes equal to or greater than fifteen (15%) percent, natural permanent vegetation, historical amenities and other community assets.
- B. The area shall be so located and designed that it is easily accessible to all residents including handicapped. Safe and easy access to common open space areas shall be provided either by adjoining road frontage, easements and/or paths.
- C. Whenever possible, common open space areas shall be designed as a continuous system of usable area, which are interspersed among groupings of residential buildings. Provided, however, in those instances in which the total minimum required open space is less than two (2) acres in size, such areas shall be located in one parcel.
- D. Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

- E. Accessways to the site shall be of a sufficient width so that maintenance equipment shall have reasonable convenient access to such areas. In all instances, such open space areas shall be maintained in a careful and prudent manner.
- F. The Borough may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Borough need not require, as a condition of the approval of a development, that land proposed to be set aside for common open space be dedicated or made available to public use.
- G. The landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own and maintain the common open space) without first offering to dedicate same to the public.
- H. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization and upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof. The notice shall also state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof are not corrected within thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the property within the development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Such maintenance by the Borough shall not constitute a taking of the common open space, nor vest in the public any rights to use the same. Before the expiration of the year, the Borough 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 of the development, to be held by Borough Council or Planning Commission, at which hearing such organization or the residents of the cluster subdivision/development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If Borough Council or the Planning Commission determines that such organization is not ready and able to maintain the common open space in a reasonable condition, the Borough may, at its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of Borough Council or the Planning Commission shall be subject to appeal to the court in the same manner, and within the same time limitation, as provided for by this Zoning Ordinance.

- I. The cost of such maintenance by the Borough shall be assessed rateably against the properties within the development that have a right of enjoyment of the common open space, and shall become a lien on such properties. The Borough at the time of entering upon the common open space for the purpose of maintenance shall file a notice of lien in the office of the Prothonotary of the Court of Common Pleas of Adams County, Pennsylvania, upon the properties affected by the lien within the development.

27. PERSONAL CARE HOME

Where permitted as a special exception, personal care boarding homes may be established in accordance with the following provisions:

- A. The facility shall be constructed, licensed and operated in accordance with applicable Commonwealth laws and regulations.
- B. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards.
- C. No more than two (2) persons at a time shall reside in any room designated for overnight visits.
- D. The minimum front, side and rear yard setbacks shall be not less than twenty-five (25') feet.
- E. A buffer yard of no less than ten (10') feet in width shall be established along rear and side yards abutting

residential uses.

- F. Off-street parking shall be provided in accordance with Article XI herein.

28. PROHIBITED USES

- A. Dwellings in the Commercial/Industrial district other than that provided for as a permitted use.
- B. Primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
- C. The following uses are prohibited in all districts throughout the Borough:
 - (1) The incineration, reduction or storage of garbage, offal, animals, fish or refuse, unless by the authority of or under the supervision of the Borough.
 - (2) Dumps and dumping of any kind, unless by the authority of or under the supervision of the Borough.
 - (3) The stripping of topsoil for sale, exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued.
 - (4) Junkyards.

29. PUBLIC AND PRIVATE NURSERY SCHOOLS (SEE DAY CARE CENTERS)

30. PUBLIC UTILITY FACILITIES

Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
- B. Height restrictions shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed within a chain link fence six (6') feet in height topped with barbed wire.
- D. When equipment is totally enclosed within a building, no

fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.

- E. If adjacent to a residential or village district, screen plantings shall be required in accordance with Section 906 herein.
- F. The external design of the building shall be in conformity with the buildings in the district.

31. SOLAR COLLECTORS AND RELATED EQUIPMENT

- A. Solar collectors and related equipment shall be permitted in any district as an appurtenance to a building or as an accessory structure.
- B. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The protected portion of the solar collector shall be that portion which:
 - (1) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12') foot obstruction located on the lot line; and
 - (2) has an area of not greater than one-half of the largest floor area of the structure served.
- C. This section does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the collection system, or on the effective date of this Ordinance, whichever is later. This section controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.
- D. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Borough Zoning Officer on the date said Zoning Permit is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one (1) year from the date of permit issuance.

32. SOLID WASTE STORAGE FACILITIES

All multifamily, commercial and manufacturing buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the provisions of

the Borough refuse collection regulations and as hereinafter provided:

- A. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
- B. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Borough regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
- C. Storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections, but shall not be less than four by eight (4' x 8') feet in size or of other dimensions providing an approved equal space.

33. SWIMMING POOLS

Swimming pools shall be a permitted as an accessory use in any district and shall comply with the following conditions and requirements:

- A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests.
- B. Hot tubs, whirlpool baths and tubs, and jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
- C. Above-ground pools provided with permanent outdoor water plumbing shall be included in the swimming pool definition.
- D. It may not be located, including any walks or paved areas or accessory structures adjacent thereto closer than five (5') feet to any property line, nor shall it be nearer to any street line upon which the residence abuts than the existing setback line of the residence. In no case shall it be any closer than twenty (20') feet from any street line.
- E. All permanent swimming pools now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4') feet but not more than six (6') feet in height, with the exception of atrium houses, and shall

be so constructed as not to have openings, mesh or gaps larger than four (4) square inches in any direction. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4") inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with a self-latching gate in normal operating condition. The latch must be located at least four (4') feet above ground level.

- F. A dwelling unit, excluding atrium dwellings, or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.
- G. The provisions regulating fencing shall not apply to pools having sides extending four (4') feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
- H. All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times.
- I. Water may not be discharged from a swimming pool unless discharged directly into a storm sewer facility and, in so doing, does not flow onto adjacent properties or right-of-way.
- J. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
- K. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enters adjoining properties.

34. TOWNHOUSES

Where permitted, all townhouses shall comply with the following:

- A. There shall be not more than six (6) attached units in a row.
- B. A visual structural break shall be provided between every other dwelling unit.
- C. All other applicable provisions of this Ordinance.

35. USES NOT PROVIDED FOR

- A. Uses of the same general character as the uses permitted by right, conditional use or special exception in the District shall be allowed if determined by the Zoning Hearing Board that the impact of the use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the District.
- B. Such use shall comply with all applicable area and bulk regulations and other applicable standards for comparable uses specifically listed in the District.

36. VEHICULAR BODY SHOP

Where permitted, vehicular body shops may be established in accordance with the following:

- A. All repair and paint work shall be performed within a structure.
- B. Buffer yard/screen plantings shall be provided in accordance with Section 906 herein.
- C. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival.

37. VEHICULAR SERVICE STATIONS AND OTHER DRIVE-IN TYPE USES

Such uses, where permitted, or permitted by special exception, shall comply with the following:

- A. No equipment above ground for the service of motor vehicles shall be closer than twenty-five (25') feet to any side or rear property line.
- B. Canopies shall be located no less than ten (10') feet from the right-of-way line.
- C. Fuel pumps shall be located at least twenty-five (25') feet from any public right-of-way or fifty (50') feet from the street centerline, whichever is greater.
- D. Vehicles stored at a service station due to an accident shall remain no longer than sixty (60) days from the date of arrival unless respective parts are documented to be unavailable within such time period. Said documentation shall be provided to the Zoning Officer for approval.

- E. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty (30') feet at its intersection with the curb line or edge of pavement.
- F. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within fifteen (15') feet of each other at their intersection with the curb or street line.
- G. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.

Section 902. PERFORMANCE STANDARDS

All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to Permitted Uses, by the Zoning Hearing Board with respect to Special Exceptions and by the Borough Council with respect to Conditional Uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

1. Vibration

Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.

2. Air Pollution

No pollution of air by flyash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling or property.

3. Fire and Explosives Protection

Fire protection and fire fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.

4. Glare and Heat

- A. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted.

- (1) Direct glare is defined for purposes of this Ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4') feet above the ground. Such luminaries shall be placed not more than sixteen (16') feet above ground level.
- (2) Indirect glare is defined for the purposes of this Ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.
- (3) Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

B. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.

5. Non-Radioactive Liquid or Solid Wastes

There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Adams County and Borough of York Springs.

6. Radioactivity or Electrical Disturbances

No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

7. Noise

Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale

at a distance of twenty-five (25') feet from any property line of the property from which the noise source is located, shall not be permitted.

8. Odors

No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property with the exception of such odors associated with common farming practices.

9. Smoke

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

10. Erosion

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties. Any earth disturbance activity shall be conducted in accordance with the York Springs Borough Subdivision and Land Development Ordinance, as amended.

11. Water Pollution

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Resources.

Section 903. HEIGHT REGULATIONS

1. Unless otherwise provided, the height of any building may exceed the maximum permitted height by one (1) foot for each additional foot by which the width of front, rear, and side yards exceeds the minimum yard regulation for the district in which the building is located. Total height shall not exceed the maximum permitted height by more than fifteen (15%) percent.
2. For all residential uses, accessory buildings shall not exceed twenty (20') feet in height.
3. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary appurtenances.

Section 904. AREA REGULATIONS

1. Unless the regulations of the district in which they are located require greater lot areas or lot widths, the following regulations shall apply:
 - A. On a lot held in single and separate ownership from adjacent land, which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, and further that the proposed public sanitary sewer system and water system is approved by the Pennsylvania Department of Environmental Resources.
 - B. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space.

Section 905. YARD REGULATIONS

1. Where the street or streets upon which the lot abuts are less than fifty (50') feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from a line parallel to twenty-five (25') feet from the center line of the street.
2. Front Yards
 - A. An accessory building shall not be erected or substantially altered within any front yard.
 - B. Parking shall not be permitted in front yards in residential and village districts except on paved driveways. Turnarounds shall not be considered as part of a driveway.
 - C. Where buildings exist in the same block on either side, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building.
3. Side Yards
 - A. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.

- B. On a lot in a residential/village residential district held in single and separate ownership from adjacent land at the effective date of this Ordinance with a lot width less than required for the Zoning District, only one (1) single-family detached dwelling may be erected, and side yards shall be provided in accordance with the following requirements:
- (1) On interior lots with a width of fifty (50') feet or more, two (2) side yards shall be provided as required by the district regulations.
 - (2) On corner lots with a width of fifty (50') feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than that required for the interior side yard. The interior side yard shall be provided as required by the district regulations.
 - (3) On lots less than fifty (50') feet but not less than twenty-seven (27') feet in width, two (2) side yards shall be provided, each equalling twenty (20%) percent of the lot width.
 - (4) On lots less than twenty-seven (27') feet but not less than twenty (20') feet in width, the building shall be sixteen (16') feet in width and only one (1) side yard shall be provided, equalling in width the difference between the lot width and sixteen (16') feet. One (1) side wall of the building shall be constructed abutting the lot line without openings but shall not be constructed as a party wall.
 - (5) On lots less than twenty (20') feet in width, a building shall be constructed the full width of the lot. Side walls abutting the lot lines shall have no openings and shall not be constructed as party walls. For such dwellings constructed to a depth of more than two (2) rooms, a court not less than six (6') feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
- C. On a lot, in a village commercial or commercial industrial district, held in single and separate ownership from adjacent land at the effective date of this Ordinance, with a lot width less than that required for the zoning district, the required side yards shall

be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection B. above for residential structures.

D. Any accessory building may be erected within one of the side yards or within the rear yard provided:

- (1) Such accessory building shall be not less than five (5') feet from the rear of the main building.
- (2) Buildings and/or structures accessory to a residential use shall be located within the rear yard of the principal building or structure no less than three (3') feet to any rear or side lot line. Where such side or rear yard is along an alley, the accessory building shall be located not less than five (5') feet from the alley. Private garages with entrances fronting an alley shall be located not less than ten (10') feet from the alley.
- (3) On a corner lot in any residential/village residential district, an accessory building shall not be erected within the required building setback line of the exterior side lot line (street line). Provided, however, that when the main buildings exist on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line, established by the existing main buildings.
- (4) Buildings and/or structures accessory to a nonresidential use shall not be located within the required front yard and shall be located no less than fifteen (15') feet to any lot line.
- (5) No side yard setback shall be required where two (2) garages are designed to abut in semi-detached dwellings.

E. A carport, open on three (3) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than five (5') feet from the side lot line.

4. Interior Yards (open space between structures)

A. When front to front, rear to rear, or front to rear,

parallel structures shall have fifty (50') feet between faces for one (1) story in height, plus five (5') feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10') feet at one end if increased by similar or greater distances at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the distance between structures shall be at least fifty (50') feet.

- B. End to end, a distance of twenty-five (25') feet between structures for a one (1) story structure plus five (5') additional feet for each story in excess of one.
- C. End to front, or end to rear, a distance of thirty (30') feet between structures for each one (1) story structure plus five (5') feet additional for each story in excess of one.
- D. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.

Section 906. BUFFER YARDS AND SCREEN PLANTINGS

1. Buffer Yards

- A. Unless otherwise provided, where a commercial or industrial use adjoins a residential district and where a multi-family use in the R-1 and R-2 Residential Districts, adjoins a single-family residential use, a buffer yard of not less than fifteen (15') feet in width shall be provided along the lot lines in addition to the yard required for the district in which it is located.
- B. If a front yard is provided, the buffer yard may coincide with the front yard.
- C. All buffer yard areas shall be planted and maintained with a vegetative material, and where required for multi-family, commercial and industrial uses, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
- D. All buffer yards shall be planted with grass or ground cover, and where required, a dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.
- E. No structure, manufacturing or processing activity, or

storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than thirty-five (35') feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than sixty (60) degrees.

- F. No parking shall be permitted in buffer yards.
- G. Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangements of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

2. Screen Plantings

Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance withidential use.

- H. A natural earthen berm of at least four (4') feet in height may be utilized in place of screening material.
- I. Any existing multi-family, commercial or industrial use and/or structure shall not be required to comply with the screening requirements except in case of enlargement or exterior alteration of same, including alterations to total impervious coverage.

Section 907. PROJECTIONS IN YARDS

- 1. Unenclosed ground-story terraces, patios and porches may project into any required yard not more than one-half 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.

Section 908. OBSTRUCTION TO VISION

- 1. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- 2. A clear sight triangle of twenty-five (25') feet, measured along the street lines of intersecting streets, shall be

maintained; within which such structures or planting shall be limited to a height of not more than three (3') feet or less than ten (10') feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10') feet above the street grade.

Section 909. FENCES AND WALLS

1. Fences and walls may be erected, altered and maintained within the yards, excluding required buffer yards, provided that any such fence or wall in the front yard shall not exceed three and one-half (3 1/2') feet in height; and any fence or wall in the side or rear yard may be a maximum of eight (8') feet in height. Furthermore, any fence or wall exceeding six (6') feet in height shall contain openings therein equal to fifty (50%) percent of the area of that portion of the wall or fence exceeding six (6') feet. Retaining walls, constructed to hold back or support an earthen berm, shall be exempted from said height standards.
2. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any district.

Section 910. SPACE REGULATIONS

1. No yard or other space provided about any building or structure for the purpose complying with this Ordinance shall be considered as a yard or other open space for another building or structure.

Section 911. COURTS

Courts shall conform to the following requirements:

1. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or commercial district wherever any room therein in which a person or persons live, work, sleep or congregate cannot be adequately lighted and ventilated from the street or yard. Such court shall be adjacent to such room, the windows of which shall open onto such court. This provision shall not apply to specialized commercial and/or manufacturing processes where controlled light and/or ventilation are required.

2. Outer Court

- A. The width of any outer court upon which windows open from a living room, bedroom or dining room shall be not less than the height of any wall opposite such windows. However, when the depth of such court is less than six (6') feet, the minimum width shall be twice the depth.
- B. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 1/2) times the width.

3. Inner Court

- A. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50') feet for apartment buildings and not less than ten (10') feet for two-family dwellings.
- B. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of firefighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with adequate access to a street.

Section 912. HABITABLE FLOOR AREA

- 1. The minimum habitable floor area of a dwelling unit hereafter established, with the exception of mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:
 - A. Rooming Unit (designed for one (1) person) 250 square feet
 - B. Efficiency Unit 500 square feet
 - C. One Bedroom 600 square feet
 - D. Two Bedrooms 750 square feet
 - E. Three Bedrooms 900 square feet
 - F. Four Bedrooms 1.050 square feet
 - G. For five or more bedrooms, an additional 150 square feet per bedroom.
- 2. The minimum habitable floor area for units within lodging establishments for transients shall be two hundred-fifty (250) square feet for each room used for sleeping purposes.

Section 913. CONTROL OF TRAFFIC AND PROTECTION OF PUBLIC SAFETY

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

Section 914. REDUCTION OF LOT DIMENSIONS

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

ARTICLE X

NONCONFORMING BUILDINGS AND USES

Section 1001. GENERAL

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

Section 1002. CONTINUATION

The Planning Commission shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Ordinance and issue a Certificate of Nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use. Future monitoring/administration of such nonconforming buildings or use shall be conducted by the Zoning Officer.

Section 1003. ALTERATIONS

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations as set forth in this Ordinance and other applicable codes and ordinances adopted by the Borough.

Section 1004. EXTENSIONS OR ENLARGEMENTS

1. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:
 - A. The extension of a nonconforming use of land upon a lot occupied by such use.
 - B. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - C. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - D. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

- A. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. Extension or enlargement shall not exceed thirty-three and one-third (33 1/3%) percent of the existing floor area or use.
- B. The entire building or use shall be provided with off-street parking and loading spaces as required by Article IX herein.
- C. The extension or enlargement does not replace a conforming use.
- D. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.
- E. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing nonconforming use.

Section 1005. RECONSTRUCTION/RESTORATION

- 1. A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:
 - A. The reconstruction and/or restoration of the building is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay, and
 - B. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

2. In the event that any nonconforming building and/or use is destroyed or partially destroyed to an extent of fifty (50%) percent or more of the market valuation of all structures and other improvements on the lot, such nonconforming structures and use thereof shall terminate and the lot shall thereafter be used only for conforming uses and structures.

Section 1006. DISCONTINUANCE

If a nonconforming use or structure ceases operations for a continuous period of more than eighteen (18) months, then such use and any subsequent use or building shall conform to the regulations of this ordinance.

Section 1007. NONCONFORMING LOTS

1. Any lot held in single and separate ownership at the effective date of this Ordinance which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered nonconforming. A building may be erected upon any vacant nonconforming lot provided a special exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Ordinance. Such development shall comply with the following provisions:
 - A. The proposed use is permitted within the district in which it is located.
 - B. Proposed building shall comply with all applicable area height and bulk regulations, including but not limited to, applicable district requirements and yard requirements.

Section 1008. NONCONFORMING SIGNS

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Section 1006 above and in Article XII, herein.

ARTICLE XI

OFF-STREET PARKING

Section 1101. GENERAL PARKING REGULATIONS

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
2. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten (10') feet wide and twenty (20') feet long. Parking spaces and the approaches thereto shall be paved surfaces or stabilized surface subject to approval by the Borough Engineer. For purposes of this Ordinance, stabilized surface is hereby defined as an approved all-weather, dustless surface. Outdoor parking spaces are deemed to be part of the open space of the lot on which it is located and be fully accessible.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. A garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above such an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. All multi-family, commercial, public and industrial uses shall provide handicapped parking spaces as follows:

| <u>Total Parking Spaces</u> | <u>Required Accessible Spaces</u> |
|-----------------------------|-----------------------------------|
| 5 or less | N/A |
| 6-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-over | 2% of Total |

Each handicapped parking space shall be not less than twelve (12') feet wide.

Section 1102. OFF-STREET PARKING FACILITIES REQUIREMENTS

Any of the following facilities hereafter erected or enlarged and any facility hereafter converted into one (1) of the following facilities and any open area hereafter used shall be provided with not less than the minimum parking spaces as set forth below, together with adequate accessways, driveways or other means of circulation and access to and from a street.

1. Specific Parking Space Requirements

| <u>Uses</u> | <u>Required Parking Spaces</u> (Gross Floor Area: GFA) |
|--|---|
| A. Automotive Parts Sales/ for Service Garages retail | 3 per bay, plus 1 space every 300 square feet of parts sales area. |
| B. Automobile Sales | 1 per 400 square feet indoor GFA plus 1 per 2,500 square feet of outdoor sales/rental lot area. |
| C. Automobile Wash | 5 per washing lane. |
| D. Banks/Financial Institutions | 1 per 300 square feet GFA. Each drive-up window shall have sufficient stacking room for 4 cars, and a bypass lane shall be provided. |
| E. Convenience Stores | 4 per 1000 square feet GFA. |
| F. Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges, and other similar uses | 1 per 100 sq. ft. GFA or surface water area in swimming pool. |
| G. Day Care Centers (Nursery Schools) | 1 per employee plus 1 safe passenger off-street loading/unloading space per 5 children. |
| H. Family Care and Group Care Facilities | 1 per 4 residents plus 1 per employee in the maximum working shift. |

- I. Family Day Care and Group Day Care Facilities 1 per nonresident employee plus 1 safe passenger off-street loading/unloading space per 4 nonresident children.
- J. Funeral Homes/Mortuaries 1 per 50 square feet GFA used for memorial services, viewing area, business office and products display.
- K. Furniture or Appliance Stores 1 per 1000 square feet GFA.
- L. Home Occupations 1 per 300 square feet GFA in addition to the requirement for the dwelling unit.
- M. Laundries 1 per 2 washing machines plus 1 per employee on maximum working shift.
- N. Hotels, Motels, Boarding and Lodging/ Rooming Houses, Bed and Breakfast Establishments 1 per sleeping room plus 1 per 10 per 1000 square feet GFA non-room areas.
- O. Industrial Uses (manufacturing or assembly plants) 1 per 800 square feet GFA.
- P. Junkyard/Salvage Yard 1 per employee plus 1 per 5,000 square feet of lot area, excluding any required buffer area.
- Q. Medical Centers 1 per 250 square feet GFA.
- R. Nursing and Convalescent Homes 1 per 3 beds, plus 1 space per 2 employees in the maximum working shift plus 1 per staff doctor.
- S. Offices 1 per 250 square feet GFA.
- T. Places of public or private assembly (churches, community centers, theaters, or similar meeting and assembly uses) 1 per 3 seats or 1 per 100 square feet where no seats are provided.

- U. Residential Uses
 - (1) Single-Family 2 per dwelling unit
 - (2) Multiple Dwellings (Including Conversion and Accessory Apts.)
 - a. Elderly Apartments .5 per dwelling unit
 - b. Efficiency/Studio 1 per dwelling unit
 - c. 1 Bedroom 1.5 per dwelling unit
 - d. 2 Bedrooms or More 2 per dwelling unit
 - e. Visitor Parking 1 per 3 dwelling units
 - V. Restaurants, Tea Rooms, Nightclubs, Bars and Taverns 1 per 3 seats
 - (1) Fast-Food Establishments 1 per 30 square feet GFA.
 - W. Retail Stores and Shops 1 per 200 square feet GFA.
 - X. Schools
 - (1) Elementary 2 per classroom, but not less than 1 per teacher and staff.
 - (2) Intermediate 1.5 per classroom, but not less than 1 per teacher and staff.
 - (3) Secondary 2.5 per classroom, but less than 1 per teacher and staff.
 - Y. Shopping Centers 4.5 per 1000 square feet GFA
 - Z. Utility or Communication Station 1 per vehicle normally required to service such facility.
2. All Other Uses Not Provided For Herein

For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Borough Engineer. The study shall include the following:

- A. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
- B. Estimated parking duration per vehicle trip (turnover rate).

- C. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; and
- D. Estimated number of employees; one space to be provided for every two employees working maximum shift.

Section 1103. LOCATION AND MANAGEMENT REQUIREMENTS

1. Existing Parking

Structures and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the type 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.

2. Changes In Requirements

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

3. 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.

4. Continuing Obligation

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. 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.

5. Drainage, Surfacing and Maintenance

Drainage, surfacing and maintenance of off-street parking areas, including driveways and access drives, shall be completed in accordance with the York Springs Borough Subdivision and Land Development Ordinance.

6. Shared Parking

Two 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 Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility.

7. Computation of Spaces

Where the computation of required parking spaces result in a fractional number, any fraction shall be counted as one.

8. Location of Spaces

- A. Single and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.
- B. In no case, shall parking areas be permitted within the front yard in Residential and Village Districts.
- C. Parking spaces for multiple dwelling buildings, commercial, and industrial uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district, as the principal building, or open area, and conform to the following regulations:
 - (1) The required parking spaces shall be located within six hundred (600) feet of the principal building or open space in question measured from the edge of the structure to the edge of the parking lot closest to said structure.
 - (2) 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.

9. Lighting

- A. All public parking areas shall be adequately lighted during afterdark operating hours. All light standards

shall be located on raised parking islands and not on the parking surface.

- B. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.

Section 1104. DESIGN STANDARDS

1. Parking Facilities

The minimum dimensions of parking facilities to be provided shall be as follows:

| Angle of Parking | Parking | | Aisle-Width | |
|------------------|-------------|--------------|-------------|---------|
| | Stall Width | Stall Depth* | One-Way | Two-Way |
| 90 degrees | 10' | 20' | 24' | 24' |
| 60 degrees | 10' | 22' | 18' | 20' |
| 45 degrees | 10' | 21' | 15' | 20' |
| 30 degrees | 10' | 19' | 12' | 20' |
| Parallel | 8' | 22' | 12' | 20' |

*Depth of stall is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- A. All handicapped spaces shall be a minimum of twelve (12') feet in width.
 - B. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
 - C. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
2. Setback for parking areas shall be provided as follows:
- A. All parking spaces and access drives shall be at least ten (10') feet from any multiple dwelling building, industrial, or commercial building on the lot.
 - B. All parking spaces and access drives shall be at least five (5') feet from any exterior lot line, except where

buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area.

- C. No parking area shall be located within a public right-of-way.

3. Separation

- A. Except at entrance and exit drives, parking area shall be physically separated from any public and/or private streets by a minimum five (5') foot planting strip.
- B. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
- C. All paved off-street parking spaces shall be marked so as to indicate their location.

4. Landscaping

- A. Buffer yards and screening shall be required for parking lots containing ten (10) or more vehicles located on a lot adjacent to a residential use and shall be provided on each side which faces a residential use. Such buffer yard and screening shall be in accordance with buffer yard standards set forth in Section 906 of this Ordinance.
- B. Five (5%) percent of the off-street parking and access area, exclusive of other required landscaped areas, shall be landscaped.
- C. Parking lots containing ten (10) or more parking spaces shall be planted with a minimum of one (1) tree for every eight (8) parking spaces. Each tree shall be surrounded by a planting island consisting of no less than fifty (50) square feet of permeable and unpaved surface.
- D. Planting islands shall be bounded by a concrete curb having a minimum height of six (6) inches.

5. Curb Radius

No less than a five (5') foot radius of curvature shall be permitted for all curb lines in all parking lots.

Section 1105. OFF-STREET LOADING AND UNLOADING

1. Required Spaces

- A. For all institutional, commercial, industrial and utility/ transportation uses requiring delivery or pick up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

| <u>Gross Floor Area</u> | <u>Required # Of Loading Spaces</u> |
|-------------------------|---|
| 6,000 sq. ft. or less | 1 loading/unloading space |
| 6,001 - 20,000 sq. ft. | 2 loading/unloading spaces. |
| Above 20,000 sq. ft. | 2 loading/unloading spaces, plus 1 additional space for each additional 50,000 sq. ft. of gross floor area. |

- B. Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.
- C. All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

2. Design Standards

Off-street loading facilities shall be designed to conform to the following specifications:

- A. Each required space shall be not less than twelve (12') feet in width, forty-five (45') feet in length and fourteen and one half (14.5') feet in height, exclusive of drives and maneuvering space and 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 openings measured at the street lot line shall be forty (40') feet; the minimum width shall be twenty (20') feet.
- D. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance with applicable Borough ordinances and codes.

Section 1106. MOTOR VEHICLE ACCESS

Motor vehicle access to lots shall be provided in accordance with Section 405 of the York Springs Borough Subdivision and Land Development Ordinance.

ARTICLE XII

SIGNS

Section 1201. GENERAL

Signs may be erected and maintained only when in compliance with the provisions of this Article and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

Section 1202. GENERAL REGULATIONS

1. No sign shall be erected, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer, with the exception of such signs as listed in Section 1205 herein, provided use of such signs is in accordance with other provisions of this Ordinance. Applications shall be on forms prescribed by the Borough. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements.
2. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to Landmark or Historic Signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.
3. Street banners are prohibited, except in the case of civic or charitable nonprofit organizations.
4. No sign, except for traffic, regulatory or informational signs, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop," or "yield" signs in shape or color.
5. In addition to the other requirements of this Article, every sign must be constructed of durable materials, kept in good repair, and remain in compliance with other applicable State and local codes and ordinances.
6. If the Zoning Officer finds that any sign is unsafe, insecure, is a menace to the public or had been constructed, erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within ten

(10) days after such notice, such sign may be removed or altered by the Zoning Officer at the expense of the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure, which is in immediate peril to persons or property, to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.

Section 1203. PLACEMENT STANDARDS

1. No sign shall be affixed to a fence, utility pole or structure, or tree, shrub, rock, or natural object.
2. Signs shall not be mounted on roofs or extend above the roof line (unless mounted on an extended wall above the roof line, in which case the sign may not extend above the top of said wall).
3. No projecting sign except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within the street area.
4. No sign shall be placed in such a position that it will cause danger on a street by obscuring view and, in no case, except official traffic and street signs, shall signs be placed within the required clear sight triangle.
5. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.

Section 1204. SAFETY STANDARDS

1. No sign may be erected which is:
 - A. Structurally unsafe;
 - B. Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;
 - C. Obstructs free entrance or exit from a required door, window, or fire escape;
 - D. Obstructs light or air or interferes with proper functioning of the building; or
 - E. Is capable of causing electrical shock.

Section 1205. EXCEPTIONS

1. For purposes of this Ordinance, the term "sign" shall not include:
 - A. Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw, or other regulation;
 - B. A bulletin board or similar sign not exceeding twenty (20) square feet in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8') feet above ground level, and provided that it complies with all other provisions of this Ordinance.
 - C. Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does not exceed three (3) square feet or extend higher than four (4') feet above ground level. Such sign will comply with all other provisions of this Ordinance.
 - D. Signs relating to trespassing and hunting, not exceeding two (2) square feet in area.
 - E. Holiday decorations displayed for recognized holidays except as they may interfere with traffic safety or in any other way become a public safety hazard.

Section 1206. MEASUREMENT OF SIGN AREA AND HEIGHT

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
2. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
3. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2') feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

4. The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two (2) roads of different elevations, measurement shall be from the surface of the lowest roadway.

Section 1207. ILLUMINATION STANDARDS

1. No sign may be erected which flashes, rotates, or has motorized moving parts.
2. Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the signs without causing glare.
3. Illuminated signs shall not be permitted to shine onto residential properties and public rights-of-way.
4. No sign may be erected with exposed electrical wires.
5. Strings of bulbs are not permitted, except as part of a holiday celebration.
6. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which the sign is located is open for business.
7. Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character and exterior color.

Section 1208. GENERAL STANDARDS FOR SPECIFIC SIGN TYPES

1. Address
 - A. Definition: One sign displaying the street number or name of the occupant of the premises, or both.
 - B. Such sign may include identification of an on-premise professional office or customary home occupation.
 - C. Such sign may be attached to the building or may be on a post not more than four (4') feet high and setback at least three (3') feet from the street.
 - D. Such sign shall not exceed two (2) square feet in area.
2. Awning
 - A. Definition: A sign painted on or attached to the cover of a movable metallic hinged, roll or folding frame.

- B. Such sign shall be limited to establishment name, logo, and street number.
- C. Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
- D. Letters shall not exceed ten (10") inches in height.
- E. A minimum of eight (8') feet above sidewalk level must be allowed for pedestrian clearance.

3. Billboard Signs

- A. Definition: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
- B. Billboards may be erected and maintained in the Commercial-Industrial District.
- C. Billboards shall be spaced at intervals of not less than five hundred (500') feet along the same side of any street or highway. No such structure shall contain more than two (2) advertising sign faces, either back-to-back or side-by-side.
- D. Billboards shall not exceed a total of three hundred (300) square feet in surface area per face.
- E. No billboard sign shall be permitted to be erected within fifty (50') feet of an adjoining Residential District if visible from and designed to face into such a District.

4. Construction

- A. Definition: An on-premise sign identifying the contractor(s), architect, landscape architect, and/or engineer's name, address and other pertinent information.
- B. Such signs shall not exceed twelve (12) square feet in area and shall be setback at least ten (10') feet from the legal right-of-way, or one-half of the building setback line, whichever is less.
- C. Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following the completion of said construction.

D. Such a sign shall not require a sign permit.

5. For Sale/Rent/Lease

A. Definition: An on-premise sign advertising the property being sold, or rented/leased.

B. Such signs shall not exceed six (6) square feet in area.

C. Such signs shall advertise only the property on which the sign is located.

D. No more than two (2) signs may be maintained on any property being sold or rented/leased.

E. All signs shall be removed by the owner/agent within thirty (30) days of sale, or rent/lease.

F. Such a sign shall not require a sign permit.

6. Freestanding

A. Definition: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include portable or trailer-type signs.

B. Dimensional standards for freestanding signs for each district are as follows:

| | R-1 Single Family | R-2 Multi Family | VR Village Residential | VC Village Commercial | CI Commercial/ Industrial |
|---------------------------|-------------------------|------------------------|------------------------------|-----------------------------|---------------------------------|
| Free-Standing Pole Signs | | | | | |
| Height (max. ft.) | 8 | 8 | 12 | 12 | 12 |
| Area (max. sq. ft.) | 2 | 2 | 10 | 12 | 12 |
| Ground Clearance | 4 | 4 | 8 | 8 | 8 |
| Other Free-Standing Signs | | | | | |
| Height (max. ft.) | 4 | 4 | 4 | 4 | 4 |
| Area (max. sq. ft.) | 4 | 6 | 16 | 20 | 20 |
| Ground Clearance | 0 | 0 | 0 | 0 | 0 |

C. Freestanding signs over six (6') feet in height may have no more than two (2) sides; those less than six (6') feet in height may have up to four (4) sides.

D. No more than one (1) freestanding sign per lot shall be permitted.

7. Moveable Signs

- A. Moveable signs are not permitted in any district except in Village Districts. In these districts, moveable signs made only of wood and standing on legs not over four (4') feet in total height, shall be allowed by special exception.
- B. Moveable signs shall not be located within a street or obstruct public sidewalk areas.
- C. Moveable signs shall be permitted only during hours of operation for said business.

8. Multiple Signs

- A. Definition: A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.
- B. The display board shall be of an integrated and uniform design.
- C. Total sign area shall not exceed sixteen (16) square feet with a maximum of two (2) square feet for each business located within the building/building complex.
- D. No more than one (1) multiple sign shall be permitted per building\building complex.

9. Off-Premise Signs

- A. Informational and directional signs containing no advertising are permitted to direct traffic flow, indicate parking areas, identify points of interest, locate businesses, or provide other essential information to guide vehicular or pedestrian traffic flow.
- B. Off-premise signs shall not be larger than one (1) square foot in size.
- C. No more than two (2) off-premise signs shall be permitted per establishment.
- D. Off-premise directory boards containing small identification signs conforming to the above requirements may be permitted in special situations where visibility prohibits the placement of individual signs.

10. Political Signs

- A. Definition: A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.
- B. Such signs shall be stationary, unlighted and temporary in nature.
- C. Such signs shall be displayed no earlier than twenty (20) days prior to the designated election day, and shall be removed within five (5) days after elections.
- D. Such signs shall not exceed four (4) square feet in area.
- E. A maximum of two (2) signs per lot shall be permitted.
- F. Such signs shall not require a sign permit.

11. Portable Signs

- A. Definition: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- B. Portable signs shall be permitted as a temporary sign with a display period not to exceed seven (7) continuous days and an annual cumulative total of fifty-six (56) days.

12. Projecting Signs

- A. Definition: A wall-mounted sign perpendicular to the building surface.
- B. Each face shall not exceed ten (10) square feet.
- C. The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the

sign in an easily recognizable geometric shape and computing its area which shall not exceed nine (9) square feet.

- D. The supporting framework shall be in proportion to the size of such sign.
- E. No sign shall project over a street or alley.
- F. Projecting signs shall have a minimum clearance of eight (8') feet above grade when located adjacent to or projecting over a sidewalk.

13. Public Service Signs

- A. Definition: A sign located for the purpose of providing directions towards or indication of use not readily visible from the street (e.g. restrooms, telephone, etc.)
- B. Such signs necessary for public safety and convenience shall not exceed two (2) square feet.
- C. Such signs shall bear no advertising.
- D. Such signs are not included in computing total sign area permitted.
- E. Such signs shall not require a sign permit.

14. Temporary Signs

- A. Definition: Any sign that is used only temporarily and is not permanently mounted.
- B. A temporary sign shall be permitted for no more than thirty (30) days during one (1) calendar year.
- C. Temporary signs shall not include portable or movable signs.
- D. Size of sign shall be dependent upon specific type.

15. Wall Signs

- A. Definition: A sign which is attached parallel to or painted on the exterior surface of a building or structure.
- B. Such sign shall not project more than fifteen (15") inches from the building surface.

- C. Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- D. Such signs shall have an aggregate area not exceeding 1.5 square feet for each linear foot of building face parallel to front building setback line, or ten (10%) percent of the wall area to which it is attached or painted, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.
- E. Where two (2) or more wall signs are affixed to or painted on one wall, the gross display area shall be the sum total area of all signs.
- F. The size of wall signs may be increased in area (over allowable size) by twenty five (25%) percent for every 100 feet of additional building setback. This increase may be prorated in accordance to the actual setback distance.

16. Window Signs

- A. Definition: Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.
- B. Window signs shall not exceed more than thirty (30%) percent of the window area in which they are displayed.

Section 1209. SPECIAL DISTRICT REGULATIONS

In addition to the above regulations by sign type, the following special provisions for certain districts shall apply:

1. Village Districts

The goal in these districts is to ensure visual compatibility with existing scale and character of the surrounding area. The signage must also be readable by pedestrians and people in slow-moving vehicles.

- A. Number: There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies per building. (e.g., wall, awning, window).

Each ground floor occupant may display two (2) signs. Each occupant in an upper floor may display one (1) sign.

- B. Materials: The use of wood and metal signs is strongly encouraged.
- C. Location: Signs should be concentrated near the pedestrian level, and not obscure important architecture features, such as transoms, windows, moldings and cornices.

Wall signs shall be placed as a band immediately above the storefront and should be no more than two (2') feet in height.

Signs on adjacent storefronts within the same building shall be coordinated in height and proportion and should be encouraged to use the same signing format.
- D. Colors: Colors should be chosen to complement the facade color of the structure. Dark background with light-colored lettering is strongly encouraged. "Day-glow" colors are prohibited.
- E. Size: Not more than one and one-half (1.5) square feet of total signage area will be permitted per linear foot of storefront.
- F. Preferred Sign Types: Wall, window, projecting, awning, moveable, neon, and landmark signs are preferred in this district.

Section 1210. NONCONFORMING SIGN STANDARDS

- 1. Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:
 - A. Signs which are nonconforming by reason of their absolute prohibition shall be removed within five (5) years following enactment of this Ordinance or from any other date of the establishment of their nonconformity.
 - B. Signs which are nonconforming by reason of dimensions alone or for any reasons other than nonconformity with Section 1202-1 herein, may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the Ordinance.

ARTICLE XIII

AMENDMENTS

Section 1301. PROCEDURE

The Borough Council may, from time to time, amend, supplement or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Borough Planning Commission, must be referred to the Borough Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the Ordinance amendment by the Borough Council, the Borough Planning Commission shall submit the proposed ordinance or amendments to the Adams County Office of Planning and Development for recommendations. Amendment procedures shall be in compliance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 1302. PROCEDURE UPON CURATIVE AMENDMENTS

The procedure upon which curative amendments shall be considered and shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

Section 1303. PUBLICATION, ADVERTISEMENT, AND AVAILABILITY OF ORDINANCE

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner as 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 Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough 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 Borough Solicitor, and setting forth all provisions in reasonable detail. If full text is not included, a copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time of the public notice is published.

2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Section 1304. ZONING AMENDMENT APPLICATION REQUIREMENTS

The Borough Council shall have the power to enact, by resolution, zoning change application requirements for those requesting a zoning change of a land area in the Borough from one zoning classification to another zoning classification.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

Section 1401. APPOINTMENT AND POWERS OF ZONING OFFICER

For the administration of this Zoning Ordinance, a zoning officer, who may not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

Section 1402. ENFORCEMENT

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough Council may require. Permits for construction and uses which are a special exception, or a variance to requirements of this Ordinance shall be issued only upon approval by the Zoning Hearing Board.

Section 1403. PERMITS

1. Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

2. Application for Permits

All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or

dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

3. Issuance of Permits

- A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances.
- B. Zoning Officer shall act upon request within (30) days following application.
- C. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

4. Temporary Permits

A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. 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 two (2) years.

Section 1405. FEES

- 1. The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be amended only by Borough Council.
- 2. Such fees shall be payable to the Borough and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any applications or appeal.

Section 1406. INSPECTION BY THE ZONING OFFICER

1. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

- A. At the Beginning of Construction.

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application.

- (1) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

- B. At the Completion of Construction.

A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance, and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

Section 1407. CERTIFICATE OF USE

1. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Ordinance.
2. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use shall have been issued by the Zoning Officer.
3. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.

4. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
5. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer.

Section 1408. CERTIFICATE OF NONCONFORMANCE

1. A Certificate of Nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Borough as follows:
 - A. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
 - B. A copy of the Certificate of Nonconformance shall be retained and filed by the Zoning Officer.
 - C. The Certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Ordinance.

Section 1409. SPECIAL EXCEPTIONS

1. Where provided for in this Ordinance, the Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and this Ordinance. The Board may grant approval of a special exception provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety or welfare of the neighborhood.
2. Standards
 - A. The applicant shall provided evidence of compliance with all conditions for such special exception as provided for in Article IX herein.

- B. The applicant shall provide evidence that the proposed special exception shall be properly serviced by existing streets. The peak traffic generated by the use shall be accommodated in a safe and efficient manner or improvements made in order to effect the same.
- (1) For industrial and commercial special exception applications, the applicant shall demonstrate, through the use of traffic studies or other applicable data, that the granting of the special exception shall not increase traffic congestion on streets within the Borough.
- C. The applicant shall provide evidence that the proposed special exception shall be properly served by utilities, police protection, fire protection and parks and recreation facilities.
- D. The applicant shall submit a site plan drawn to a scale of not more than one hundred (100') feet to one (1") inch containing the following information:
- (1) Location of all existing floodplains, watercourses, wetlands, rights-of-way, easements, areas of subsidence, wooded areas, and other significant natural features on the tract.
 - (2) The location of all streets, adjacent tracts and buildings within two hundred (200') feet of the tract.
 - (3) Location of all proposed land uses including residential uses by type.
 - (4) Number of proposed lots and/or dwelling units or nonresidential structures and lot sizes.
 - (5) Location of public water and sewer lines.
 - (6) All proposed site grading and drainage provisions.
 - (7) Zoning data.
 - (8) Certification of site plan by professional engineer/surveyor.
 - (9) Certification of ownership and acknowledgement of plans signed by owner.
- E. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

detract from the use of neighboring properties or from the character of the neighborhood and that the use of adjacent property is adequately safeguarded.

- F. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within one (1) year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception within two (2) years from the date of authorization thereof by the Board or by the court if such variance has been granted after an appeal. The Board may, for reasonable cause, extend the approval for an additional period of up to one (1) year upon the written request by the applicant.

Section 1410. APPEALS AND APPLICATIONS

- 1. An appeal, or application for an amendment, special exception, conditional use, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain:
 - A. The name and address of the applicant.
 - B. The name and address of the owner of the real estate to be affected by such proposal.
 - C. A brief description and location of the real estate to be affected by such proposal.
 - D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - E. A statement of the Section of this Ordinance under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
 - F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.

- G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

Section 1411. VIOLATIONS

Failure to comply with any provision of this Ordinance, failure to secure a permit, Zoning Hearing Board Certification, when required, or failure to secure a Certificate of Use, shall be violations of this Ordinance.

1. Enforcement Notice

- A. If it appears to the Borough that a violation of any zoning ordinance provision has occurred, the Borough Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided by Section 616.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. The enforcement notice shall be sent to the owner of record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Borough intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the determination.

- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

2. Causes of Action

- A. In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, 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 Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

3. Jurisdiction

District justices shall have initial jurisdiction over proceedings brought under Section 1412-3 below.

4. Enforcement Remedies

- A. Any person, partnership or corporation, who or which has violated or permitted the violation of the provisions of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement 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 judgement, the Borough may enforce 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 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 judgements, costs and reasonable attorney fees collected for the violation shall be paid over to the Borough of York Springs.

- B. 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 judgement.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 1412. ZONING HEARING BOARD

The Zoning Hearing Board shall continue, with three (3) members appointed by the Borough Council, and have such powers and authority as set forth in Article IX, Pennsylvania Municipalities Planning Code (Act 247), as amended. The duly established Zoning Hearing Board shall have the following functions:

1. Hearings

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code (Act 247), as amended. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The Borough Council may establish reasonable fees for the holding of such hearings. Fees 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 shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within sixty (60) days from the date of applicant's request, unless the applicant has agreed in writing to an extension of time.

2. Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- B. 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 effective date of said ordinance.
- C. 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.
- D. Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.
- F. Applications for special exceptions under the Zoning Ordinance or flood plain ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of the Zoning Ordinance.
- H. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Decision, of the {Pennsylvania Municipalities Planning Code, Act 247, as amended.

- I. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

3. Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Application for said variance shall be made in accordance with Section 1410 herein. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

- A. 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 ordinance in the district which the property is located.
- B. 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 therefor necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the 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.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

4. Special Exceptions

Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained herein. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as herein set forth and on the prescribed application form. In granting a special exception, the Zoning Hearing 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 Ordinance. The Zoning Hearing Board shall pursue the following procedure:

- A. The Zoning Hearing Board's decision to grant a permit for a special exception shall be made only after public notice and public hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Borough of York Springs, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street loading and unloading spaces, and other pertinent features of the proposal.
- C. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been approved by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance. The Zoning

Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgement, the request will not be detrimental to the health, safety, and general welfare of the Borough of York Springs.

- D. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

5. Parties Appellant Before the Zoning Hearing Board

- A. Appeals raising the substantive validity of any land use ordinance, except those to be brought before the Borough Council, pursuant to the Pennsylvania Municipalities Planning Code, procedural questions or alleged defects in the process or enactment or adoption of land use ordinance; or 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 therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of the Zoning Officer or Borough Engineer in the reference to sedimentation and erosion control and storm water management insofar as the same relate to the development not involving subdivision and development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for conditional use may be filed with the Zoning Hearing Board by any landowner or tenant with the permission of such landowner.

6. Time Limitations

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an

adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto 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 landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

7. Stay of Proceedings

- A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing 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 thereunder, 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 Zoning Hearing 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 Zoning Hearing 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 in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 1413. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Ordinance shall control.

Section 1414. VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

Section 1415. REPEALER

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

Section 1416. EFFECTIVE DATE

This Ordinance shall take effect on the 16th day of January, 1992.

Section 1417. ENACTMENT

ENACTMENT AND ORDAINED INTO AN ORDINANCE THIS 15th DAY OF JANUARY, 1992.

YORK SPRINGS BOROUGH

ATTEST: Patricia A. Golden Darrin W. Keub

(Secretary)

(President)

(Municipal Seal)

Dale A. Seanerson

(Mayor)

ORDINANCE NO. 4 OF 2014

AN ORDINANCE OF THE BOROUGH OF YORK SPRINGS, ADAMS COUNTY, PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE YORK SPRINGS BOROUGH ZONING ORDINANCE (ORDINANCE 1992 OF 2, AS AMENDED).

BE IT ENACTED, ADOPTED, AND ORDAINED by the Borough of York Springs, Adams County, Pennsylvania, by the York Springs Borough Council, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

SECTION I: TEXT AMENDMENT:

Section 201 of the York Springs Borough Zoning Ordinance is hereby amended to include the following definitions.

“ADAPTIVE RE-USE. A development project involving the conversion of an existing building from the use for which it was originally constructed to a new use or mix of uses that is compatible with surrounding land uses by maintaining the exterior architectural integrity of the building while adapting the interior to the new use or uses.

CONTRACTING BUSINESS. A construction business that includes, but is not necessarily limited to, plumbing, electrical, structural, finish, demolition, transportation, masonry, or excavating work. Includes the area and/or building used to store equipment, trucks and motor vehicles, construction supplies, building equipment, and raw materials, as well as the office for said business.

INFILL DEVELOPMENT. A development project, surrounded by other properties that have already been developed, and that is designed in a manner that complements the developed nature of surrounding properties by employing characteristics that include, but are not necessarily limited to, similar mixtures of uses, complimentary architectural designs, consistent building bulk and massing, and overall site design.”

SECTION II: TEXT AMENDMENT:

Section 301.1 of the York Springs Borough Zoning Ordinance is hereby amended by adding the following text.

“(IDO) Infill Development Overlay”

SECTION III: TEXT AMENDMENT:

Section 302 of the York Springs Borough Zoning Ordinance is hereby amended by adding the following as Subsection 3.

“3. The Infill Development Overlay (IDO) District shall be applied anywhere within York Springs Borough. As such, the boundaries of the IDO District are not graphically presented on the Zoning Map.”

SECTION IV: TEXT AMENDMENT:

Section 702 of the York Springs Borough Zoning Ordinance is hereby amended by adding the following as Subsection 22.

“22. Mixed Use Buildings, in accordance with Section 901.23.”

SECTION V: TEXT AMENDMENT:

Section 706.1 of the York Springs Borough Zoning Ordinance is hereby amended to read as follows.

“1. Front Yard: The maximum front yard shall be average of the front yards of the two immediately adjacent (on either side) properties, or ten feet (10’) from the dedicated right-of-way of the street, whichever is less.”

SECTION VI: TEXT AMENDMENT:

The York Springs Borough Zoning Ordinance is hereby amended by adding the following text as Article VIII-A.

“ARTICLE VIII-A

IDO INFILL DEVELOPMENT OVERLAY DISTRICT

Section 821. INTENDED PURPOSE

The purpose of the Infill Development Overlay (“IDO”) District is to encourage the sensitive development or redevelopment of vacant properties and/or underutilized buildings or within the Borough. The IDO District enables the owners of vacant properties or underutilized buildings on larger properties to develop or redevelop larger properties with a mix of uses beyond those authorized in the underlying zoning districts and which are complementary to the mixed-use, traditional character of developed parts of the Borough. The specific intent of the IDO District is to:

1. Encourage flexible development, redevelopment, investment and reinvestment into areas of the Borough that may be underutilized and/or buildings that are abandoned.
2. Encourage mixed-use development and redevelopment that will enhance and promote pedestrian activity.

3. Encourage development and redevelopment where public infrastructure is already in place.

Section 822. APPLICABILITY

The permitted uses and the development standards of the IDO District may be applied to any property in York Springs Borough that meets the following minimum criteria.

1. The provisions of the IDO District may only be applied to parcels that exist as of the effective date of Article VIII-A. The provisions of the IDO District may not be applied in the following cases.
 - A. Where two or more properties are consolidated to form a larger property for the purposes of development or redevelopment.
 - B. Where existing buildings occupied by a principal use of property are demolished to facilitate development or redevelopment of the site. This provision shall not apply to the demolition of existing accessory buildings.
2. Minimum Parcel Size: The provisions of the IDO District may only be applied to parcels of two (2) acres or greater in size. Where a parcel lies partially within York Springs Borough and partially within an adjoining township, the portion of the property within York Springs Borough shall equal or exceed two (2) acres in order for the IDO District provisions to be applied.
3. Street Frontage: The provisions of the IDO District may only be applied to parcels that front on a public street, other than an alley, as defined in Article II. The provisions of the IDO District shall not be applied to properties with no public street frontage or that front solely an alley.

Section 823. SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Articles VIII-A, IX and XIV herein.

1. Adaptive Re-Use:
2. Infill Development:

Section 824. HEIGHT REGULATIONS

1. The height of a principal building or structure shall not exceed forty (40') feet.
2. The height of an accessory building or structure shall not exceed thirty (30') feet.

Section 825: LOT AREA, WIDTH AND IMPERVIOUS COVERAGE REGULATIONS

1. Where an Infill Development project includes the subdivision of the parcel on which the project is proposed and/or the development of new principal buildings, the lot area, lot width and impervious coverage regulations established in Section 705 shall apply to the resultant subdivided parcels.
2. Where an Adaptive Re-use project is proposed, the following shall apply.
 - A. Lot Area: The minimum lot area shall be the existing lot area of the parcel when the Adaptive Re-use project is proposed.
 - B. Lot Width: The minimum lot width shall be the existing lot width of the parcel when the Adaptive Re-use project is proposed.
 - C. Coverage: The maximum lot coverage shall be eighty percent (80%).

Section 826: SETBACK REGULATIONS

1. Where an Infill Development project includes the subdivision of the parcel on which the project is proposed and/or the development of new principal buildings, the setback regulations established in Section 706 shall apply to the resultant subdivided parcels and principal buildings.
2. Where an Adaptive Re-use project is proposed, the following shall apply.
 - A. Front Yard: The minimum front yard shall be the existing front yard of the parcel which the Adaptive Re-use project is proposed.
 - B. Side Yards: Eight (8') feet.
 - C. Rear Yard: Twenty (20') feet.

Section 827. OFF-STREET PARKING / ACCESS

Off-street parking and access shall be provided in accordance with Article XI.

Section 828. FLOODPLAIN DEVELOPMENT RESTRICTIONS

All permitted uses and uses permitted by special exception located within the Floodway (FW) and Flood Fringe (FF) Districts, as identified by the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), must comply with provisions as set forth in the York Springs Borough Floodplain Management Ordinance.”

SECTION VII: TEXT AMENDMENT:

Section 901 of the York Springs Borough Zoning Ordinance is hereby amended by adding the following as Subsections 38 and 39.

“38. Adaptive Re-Use

Where permitted as a special exception, Adaptive Re-Use projects may be established subject to the following conditions:

A. Any combination of the following specific uses may be incorporated into an Adaptive Re-Use project.

- (1) Retail Stores (not to exceed 2500 square feet per store space available for lease or sale).
- (2) Business and Professional Offices.
- (3) Contracting Businesses, including office space and materials and equipment storage.
- (4) Public or Private Schools.
- (5) Service Establishments.
- (6) Open air or enclosed Farmer’s Markets.
- (7) Churches, or similar places of worship, parish house, and convents.
- (8) Medical Centers (not to exceed 10,000 square feet).
- (9) Eating establishment, excluding drive-ins.
- (10) Financial establishment, excluding drive-ins.
- (11) Apartments.

B. The applicant must maintain the architectural style, architectural detail and historic character of the front and/or side façade(s) of the existing principal structure which is(are) directly visible from adjacent public street(s). Accessory structures, either existing or proposed, shall not be bound by this requirement.

C. Building additions to the existing principal structure are permitted, but shall be located to the rear of said structure.

D. New accessory buildings are permitted, but shall be located to the rear of the existing principal structure.

E. Loading Location: Should additional loading spaces be required as a result of an expansion of an existing use of property or the change of a use of property, such loading spaces shall be located in the rear yard.

F. Storage: No outdoor storage of materials or equipment, including materials or equipment associated with a Contracting Business, shall be permitted. Such storage of materials or equipment shall be located within an enclosed building. Storage may be conducted within an existing building, or a new accessory building developed for storage purposes. Where a new accessory storage building is proposed, the sides of the storage building that face the side and/or rear property lines of the property shall be screened by trees planted at a rate of one (1) tree for every twenty-five (25) linear feet of wall. This standard shall not be applied in a manner that would obstruct necessary vehicle or pedestrian access to the storage building.

G. Pedestrian Accommodation: A clearly defined pedestrian walkway shall be provided connecting the public sidewalk with the main entrance(s) for all uses within the Adaptive Re-use project. Further, defined pedestrian walkways shall be provided within parking areas and shall connect the parking areas to the entrance(s) for all uses.

H. No residential entrance shall be located in a manner that requires the residential occupant to have to walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.

I. Parking Location: Should additional parking beyond what exists on the property be required as a result of the Adaptive Re-use proposal, such additional parking shall be located in the side or rear yard of the existing principal building.

39. Infill Development

Where permitted as a special exception, Infill Development projects may be established subject to the following conditions:

A. Any combination of the following specific uses may be incorporated into an Infill Development project.

- (1) Single-family detached dwellings.
- (2) Single-family semi-detached dwellings.
- (3) Multi-family dwellings.
- (4) Eating establishment, excluding drive-ins.
- (5) Business and professional offices.
- (6) Service establishments.

(7) Retail Stores (not to exceed 2500 square feet per store space available for lease or sale).

(8) Financial establishment, excluding drive-ins.

(9) Mixed Use buildings, in accordance with Section 901.23.

B. The Infill Development building shall be oriented to the front of the lot and along a public street.

C. Principal buildings within an Infill Development project shall be comparable to principal buildings in the surrounding neighborhood with regard to building scale, massing, height, and overall architectural style. While specific architectural styles or elements are not required, the applicant must demonstrate to the satisfaction of the Zoning Hearing Board that the proposed buildings within an Infill Development project reflect building design norms found within the Borough.

D. Entrances to nonresidential uses within the Infill Development building(s) shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses, or may be taken from individual entrances. Where the Infill Development building(s) is(are) located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.

E. Entrances to residential uses may be located at any location, provided the following standards are met.

(1) No residential entrance shall be located in a manner that requires the residential occupant to have to walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.

(2) Any residential entrance not located along the front of the Infill Development building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

F. Building Orientation: New principal buildings shall be oriented such that the entrances for nonresidential uses face the front of the property and the associated public street.

G. Pedestrian Accommodation: A clearly defined pedestrian walkway shall be provided connecting the public sidewalk with the main entrance(s) for all uses within the Infill Development project.

H. Parking Location: Parking shall not be authorized in the front yard, unless the property in question is a corner lot. In this case, parking may be authorized in the front yard of the secondary frontage, but shall not be authorized in the front yard of the primary frontage.

I. Loading Location: Loading spaces shall only be located in the rear yard.”

SECTION VIII: TEXT AMENDMENT:

Section 1102.1 of the York Springs Borough Zoning Ordinance is hereby amended by adding the following as Subsections AA, BB, and CC.

“AA. Contracting Business 1 per employee plus 1 space per 1,000 GFA of office space.

BB. Adaptive Re-Use Minimum number of spaces shall be the cumulative number of spaces required above for each individual use within an Adaptive Re-Use project unless the shared parking provisions of Section 1103.6 can be applied.

CC. Infill Development Minimum number of spaces shall be the cumulative number of spaces required above for each individual use within an Infill Development project unless the shared parking provisions of Section 1103.6 can be applied.”

SECTION IX: TEXT AMENDMENT:

Section 1103.6 of the York Springs Borough Zoning Ordinance is hereby amended to read as follows.

“6. Shared Parking

Two or more uses, including the individual uses within a Mixed Use, Adaptive Re-Use, or Infill Development project, may provide for required parking spaces in a common parking facility if the total number of parking spaces provided is not less than the sum of the spaces required for each use individually. However, the number of required parking spaces in a common parking facility may be reduced below this total if Special Exception approval for such reduction is granted by the Zoning Hearing Board. The applicant must demonstrate to the Zoning Hearing Board that the hours or days of peak parking spaces needed for the individual uses vary to a substantial degree such that a lower total of parking spaces will adequately provide for all of the individual uses served by the parking facility. Within and Adaptive Re-Use or Infill Development project, the applicant may incorporate the special exception request for shared parking into the special exception application for such development as required by Article VIII-A.”

SECTION X: TEXT AMENDMENT:

Article XII of the York Springs Borough Zoning Ordinance is hereby amended by adding the following as Section 1211.

“Section 1211. SIGN STANDARDS FOR ADAPTIVE RE-USE AND INFILL DEVELOPMENT PROJECTS

In addition to the above regulations by sign type, the following provisions shall apply for Adaptive Re-Use and Infill Development projects.

1. Signs for an Adaptive Re-Use or Infill Development project shall comply with the sign regulations of Section 1209, except as follows.
2. The standards of Section 1211.1 notwithstanding, the following standards shall be applied where an Adaptive Re-Use or Infill Development projects involves four (4) or more separate uses on a single property.
 - A. Any proposed freestanding sign shall be designed as a Multiple Sign in accordance with the standards of Section 1208.8 above.
 - B. Each nonresidential use within an Adaptive Re-Use or Infill Development project may employ a wall sign specific to said use that complies with the materials, location, and color requirements of Section 1209.1 above. For each wall sign, the maximum total signage area shall be not more than one and one-half (1.5) square feet of sign area per linear foot of the building dedicated to the use, provided that the sign area for an individual wall sign does not exceed twenty (20) square feet.”

SECTION VII: EFFECTIVE DATE

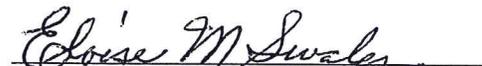
The Ordinance shall be effective on and as of July 22, 2014.

ENACTED AND ORDAINED into an Ordinance this 22nd day of July, 2014.

ATTEST:

BOROUGH OF YORK SPRINGS
ADAMS COUNTY, PENNSYLVANIA
YORK SPRINGS BOROUGH COUNCIL

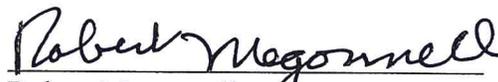

Catherine Jonet, Secretary


Eloise Swales, President


Dale Pifer, Vice-President

(SEAL)


Jamie Griffie


Robert Megonnell


Roy Williams, Jr.