

ARTICLE IX

Performance Standards

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following performance standards:

Section 900 Accessory Uses and Structures

- a. No accessory building or structure shall project nearer to the street on which the principal building fronts than such principal building.
- b. Where such side or rear yard is along an alley, the accessory building or structure shall be located not less than ten feet from the alley right-of-way.
- c. Where such side or rear yard is adjacent to another lot, the accessory building or structure shall be located not less than three feet from any lot line, including the building roof overhangs. Accessory buildings and structures associated with non-residential uses shall be located a minimum of ten feet from side and rear lot lines.
- d. When an accessory building or structure is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building or structure shall not be less than the required front building setback from the right of way line.
- e. An accessory building or structure shall not exceed the gross floor area of the principal building.
- f. Accessory buildings or structures shall be limited to a height of fifteen feet.
- g. All farm dwellings and accessory farm dwellings shall meet the minimum height of the underlying Zoning District.

Section 901 Temporary Structures for Dwelling Purposes

No tent, cabin, mobile home, garage, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time exceeding fourteen days unless approval for temporary use is granted by the Borough Council

Section 902 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every premise, used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply, a minimum of one bathroom per premise, and a safe and sanitary means of collection and disposal of commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

Section 903 Exceptions

a. Height Exceptions:

The height limitations of this Ordinance shall not apply to barns, church spires, silos, belfries, cupolas, and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other government regulations.

b. Front-yard Exception

Where at least two adjacent buildings within one hundred feet of a property are setback a lesser distance than that required or permitted, the average of the lesser distances becomes the required front setback for the property.

c. Zero Lot line

In the Commercial/Industrial and Village Center Districts no side yard shall be required between two or more commercial uses that adjoin side to side, when the two buildings are proposed to be attached to each other. Where zero lot line development is proposed, the property line shall act as a dividing wall between the two buildings and shall be constructed to National Fire Protection and or applicable building codes standards. A written agreement shall be signed by both property owners recognizing the zero lot line development and such agreement shall be recorded in the York County Recorders' Office prior to issuance of a zoning permit, or recordation of a land development plan.

Section 904 Corner Lots

- a. At all street intersections in all Districts, no obstructions to vision exceeding 30 inches in height above the edge of the street shall be erected or maintained on any lot within the triangle formed by the centerline of the roadways and a line drawn between points along such centerlines lines 75 feet distant from their point of intersection.
- b. On a corner lot, front yards are required on all street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards.

Section 905 Through Lots

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

Section 906 Driveways

All driveways shall be located and constructed in accordance with the requirements of The Pennsylvania Department of Transportation for state roadways, and the York County Subdivision and Land Development Ordinance for Borough roads.

Section 907 Fences and Walls

- a. Fences and walls (including retaining walls) may be erected, altered, and maintained within all yards.
- b. No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic or a street or public road by obscuring the minimum required sight distance.
- c. No fence, wall or other structure shall be erected or maintained within the right-of-way of any street or drainage easement. If a fence is erected in such a right-of-way or easement and needs to be removed for maintenance or repair by the Borough, the owner shall have sole responsibility for the replacement of the fence.
 - 1) Any fence or wall in the front yard shall not exceed three and one half feet in height.

- 2) Any fence or wall in the side yard or rear yard may be six feet or more in height, provided that any fence or wall exceeding six feet in height shall contain openings therein equal to 50% of the area of that portion of the fence or wall exceeding six feet.

Section 908 Landscaping and Screening

a. Landscaping

Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.

b. Planting Strip

All commercial, industrial and nonresidential uses shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip having a minimum width of ten (10) feet measured from the property line or right-of-way line. The planting strip may be included in the required yard space.

- 1) Said planting strip shall be planted in grass, shrubbery, trees or other plant material, but in no case shall these areas be paved or covered by an impervious surface.
- 2) Said planting strip shall only be broken by approved driveway entrances or exits.

c. Screening

The following materials or combination thereof may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed or corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation. Screening requirements shall be applicable under the following circumstances:

- 1) Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.

- 2) Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
- 3) Any other instances where screening is required by this Ordinance or by the Borough.

Section 909 Private Outdoor Swimming Pools

Every private outdoor swimming pool must conform to all applicable requirements of state law and in addition, the installation or construction of a private outdoor swimming pool with a surface area of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet must comply with the following requirements:

- a. The pool shall be completely surrounded by a fence or wall not less than four (4) feet nor greater than eight (8) feet in height and be constructed as not to have openings, holes or gaps that a sphere with a diameter of four inches cannot pass through, except for doors and gates. All gates or doors opening through said fence or wall shall be erected, maintained and provided with a self-closing, reach-over self-latching gate to prevent unauthorized use of the pool and to prevent accidents. However, if the top of the pool wall is more than three and one-half feet (3'-6") above the finish grade level, then a fence is not required, provided that all points of access to said pool are adequately protected, and any access ladder shall be fold-up type or removable.
- b. Pools and pumps can be installed in the rear yard building setback, but not in the front yard, or the side yard building setback.
- c. Except as provided for in d) below, pools and pumps may encroach on the required rear yard setback to a point not less than ten (10) feet from the property line. This shall apply to both in-ground and above-ground pools.
- d. Appurtenances, if at or below ground level, may extend to the rear property line or right-of-way line. Diving boards may encroach into the required rear yard setback to a point of not less than five (5) feet from the property line.
- e. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulations and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.

- f. No overhead utility lines shall be carried across any swimming pool or wading area.

Section 910 Illumination

The following standards shall apply to all exterior light fixtures within the Borough, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.

- a. The light from any luminary shall be directed downward and shaded, shielded or directed to prevent direct light from being cast beyond an angle of 35 degrees from a downward vertical axis, and to prevent glare or other objectionable problems to surrounding areas. Unshielded lamps, bulbs and tubes are not permitted, except for residential base-mounted lamps and driveway post lamps utilizing 60 watt or lesser wattage light bulbs (specifically not including spotlight or floodlights).
- b. Lighting shall be designed so that the illumination does not exceed one-tenth (0.10) foot-candles beyond the property line from which the lighting originates.
- c. Except for public street lights and traffic lights, freestanding lighting fixtures shall not exceed thirty (30) feet in height. Security or floodlighting may exceed this height requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties.
- d. No luminaries shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness or color, nor will any beacon lights be permitted, except for temporary holiday lighting.
- e. Neither the direct or reflected light from any luminary shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.
- f. Parking areas shall be lighted using support poles; lighting standards and luminaries, or building mounted lights. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators, adjacent landscape areas, or on the exterior side and rear walls of buildings. Poles, standards or luminaries shall be located so as not to be damaged by automobiles being parked (front overhang - minimum 39 inches; rear overhang - minimum 60 inches).
- g. Levels of lighting in pedestrian and vehicular use areas should adhere to the following standards:

<u>Type of Development</u>	<u>Minimum Average Foot-candle Level</u>
Pedestrian Walkways and Sidewalks	0.2 - 0.4
Residential Streets	0.4 - 0.6
Multi-Family Developments	0.6 - 0.8
Signs required to be Illuminated	0.6 - 1.2
Recreational/Institutional Activity	1.0 - 1.2
Industrial/Office Campus Areas and Parking Lots	0.5 - 1.0
Commercial Areas and Parking Lots	0.5 - 1.0

- h. Where possible, short post lighting should be incorporated to reduce glare. Any divergence from the above quantities shall still remain within the limits of the Standards of the (I.E.S.).

Section 911 Outdoor Storage

- a. No storage shall be permitted within the front yard of any lot.
- b. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts.
- c. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Borough.
- d. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to surface water or groundwater.

Section 912 Noise

- a. For all preliminary subdivision plans, and land development plans, and all uses and activities, unless elsewhere regulated, the sound-pressure level for shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards:

Permitted decibel levels: At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the table below:

Maximum Permitted Sound Level in
Decibels along the Property Line

Octave Band Cycles Per Second	Residential Districts	Nonresidential Districts
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

- b. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises that cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- c. Exemptions. The following activities or sources are exempt from these noise standards:
- 1) Aircraft operations
 - 2) Construction or routine maintenance of public service utilities
 - 3) Church bells or chimes

- 4) The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work
- 5) Occasionally used safety signals, warning devices and emergency pressure relief valves
- 6) Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, operating motor vehicles, and refuse collection vehicles.
- 7) The un-amplified human voice.

Section 913 Satellite Dish Antenna:

Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

- a. Such devices shall not be placed within any required setback area.
- b. Satellite dish antenna must be located in a side or rear yard only.
- c. No ground-mounted dish antenna on any residential lot can exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
- d. Only one antenna is permitted per building lot.
- e. Satellite dish antenna's less than twenty-four (24") in diameter are exempt from these provisions.

Section 914 Minimum Habitable Floor Area

All dwelling units must conform to the minimum habitable floor area as follows:

- a. Single Family Detached Structures: Six Hundred (600) square feet per dwelling unit.
- b. Structures with two (2) or more dwelling units: In the case of structures containing dwelling units with one (1) bedroom, the minimum habitable floor area shall be four hundred (400) square feet. In the case of structures containing

dwelling units with more than one (1) bedroom, the minimum habitable floor area of such dwelling unit shall be increased by not less than one hundred (100) square feet for each additional bedroom.

- c. No more than two (2) occupants and generally having one (1) but not more than two (2) rooms, shall have a floor area not less than three hundred (300) square feet, which includes an enclosed area for a water closet, lavatory, and a bathtub or shower. Also, the apartment must provide a cooking unit, baking unit, sink, refrigerator, storage cupboards with shelving for utensils, and closets for food and clothing. An additional one hundred (100) square feet of floor area is required for each occupant over two living in an efficiency apartment.

Section 915 Demolition

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure that was demolished must be removed from the exterior surfaces of the remaining building.

Section 916 Division of Built On Lots

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

Section 917 Lots of Record

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

Section 918 Status of Subdivision or Land Development Plan

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the York County Subdivision and Land Development Ordinance, and while such application is pending approval or

disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.