

ORDINANCE NO. 2308

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, AMENDING SECTION 140-5 AND ARTICLE XI – INDUSTRIAL DISTRICTS – OF THE BOROUGH OF HANOVER ZONING ORDINANCE TO DEFINE DWELLING UNIT, SENIOR HOUSING AND TO PERMIT DWELLING UNIT, SENIOR HOUSING IN THE LM LIMITED MANUFACTURING DISTRICT SUBJECT TO CERTAIN RESTRICTIONS.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, as amended, authorizes the Borough of Hanover (the “Borough”) to regulate zoning and land use in the Borough; and

WHEREAS, the Borough of Hanover Zoning Ordinance, as amended, (the “Zoning Ordinance”) regulates zoning within the Borough; and

WHEREAS, the Borough Council of the Borough of Hanover desires to amend the Zoning Ordinance in order to define “Dwelling Unit, Senior Housing”, and to permit Dwelling Unit, Senior Housing as a permitted use in the LM Limited Manufacturing District subject to certain restrictions, in order to preserve and protect the public health, safety, and welfare.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. The definition of “DWELLING” found in Section 140-5 – “Definitions” – of the Zoning Ordinance is amended as follows by inserting the underlined text:

DWELLING - A building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "one-family dwelling," "multiple dwelling," "two family dwelling," or "dwelling group," shall not be deemed to include automobile court, rooming house, tourist home, or hotel.

- (1) DWELLING UNIT - Two (2) or more rooms and kitchen designed for or used as the living quarters of one (1) family and in which no more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one (1) time.
- (2) ONE-FAMILY DETACHED DWELLING - A building designed for or used as the residence of one (1) family. 6
- (3) TWO-FAMILY DWELLING - A duplex building designed for or used as the residence of two (2) families living independently of each other wholly or partly over the other, or a semidetached building designed for or used as the residence of two (2) families living independently of each other.
- (4) DWELLING UNIT, MULTIPLE-FAMILY - A building or portion thereof designed for and used as the residence of three (3) or more families living independently of each other.

- (5) DWELLING UNIT, GROUP - Three (3) or more dwelling structures, not exceeding two and one-half (2 1/2) stories in height, arranged upon a court opening on a street or place approved by the Planning Commission.
- (6) DWELLING UNIT, ROW - A row of three (3) or more attached one-family dwellings not exceeding two and one-half (2 1/2) stories in height nor more than two (2) rooms deep, except end dwellings that may be more than two (2) rooms deep.
- (7) DWELLING UNIT, SENIOR HOUSING - A building or portion thereof designed for and used as the residence of three (3) or more families living independently in an age-restricted community.

Section 2. Article XI – “Industrial Districts” – of the Zoning Ordinance is amended as follows by deleting the stricken text and inserting the underlined text:

SECTION 140-79B. USE REGULATIONS. The following uses only shall be permitted by right, provided that no objectionable emission of odor, dust, smoke, gas, vibration, or noise is produced that is perceptible at the lot boundaries or hazard to health or property is imposed:

A. Business offices, research and administrative activities and group day care centers. (Amended Ord. #1848 - 10/19/88)

B. Cleaning, distribution, processing, production, repair, storage, or testing of materials, goods and/or products, provided that all such activities are conducted within an enclosed structure; no open storage of raw and/or waste materials should be permitted; no reproduction of any material designed for use as an explosive shall be permitted; no untreated potentially dangerous effluent from plant operations shall be discharged.

C. Dwelling Unit, Senior Housing.

D. Accessory uses customarily incidental to permitted uses.

E. The Zoning Hearing Board may authorize other industrial uses and commercial uses similar to those permitted in a shopping center that are compatible to the growth and development of the adjacent zoning districts. The Board may attach such reasonable requirements, conditions, and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance. (Amended Ord. #1643 - 8/20/75)

SECTION 140-79C. AREA REGULATIONS. The following regulations shall apply to all permitted uses except Dwelling Unit, Senior Housing which shall be regulated by Section 140-79H. provided herein.

A. Lot area. The lot area shall not be less than forty thousand (40,000) square feet.

B. Width regulations. The lot width at the building line shall not be less than one hundred fifty (150') feet.

C. Coverage regulations. The ground surface covered by principal and accessory uses shall not be more than fifty (50%) percent of the lot area. The total lot coverage by buildings and paved surfaces shall not exceed eighty (80%) percent of the lot area.

D. Yard regulations.

(1) Front yard: depth, fifty (50') feet for buildings and loading spaces; fifteen (15') feet for parking spaces.

(2) Side yard: width, thirty (30') feet from buildings to lot, alley, or street right-of-way lines; fifteen (15') feet from parking and loading spaces to lot or street right-of-way lines.

(3) Rear yard: depth, thirty (30') feet from buildings to lot, alley, or street right-of-way lines; fifteen (15') feet from parking and loading spaces to lot or street right-of-way lines.

SECTION 140-79D. HEIGHT REGULATIONS. The height of a building shall not exceed thirty-five (35') feet.

SECTION 140-79E. PARKING SPACE REGULATIONS. ~~See Section 140-100 for automobile parking space requirements.~~ All permitted uses in the District must comply with the automobile parking space requirements established under Section 140-100 herein except for the Dwelling-Unit, Senior Housing use which shall be required to provide one (1) parking space for each dwelling unit and parking space per vehicle shall not be less than (9') feet wide and eighteen (18') feet long. An appropriate landscape screen treatment surrounding parking areas shall be provided.

SECTION 140-79H. AREA AND HEIGHT REGULATIONS FOR DWELLING-UNIT, SENIOR HOUSING.

A. Lot area. The lot area shall not be less than forty thousand (40,000) square feet total and shall not be less than two thousand (2,000) square feet per senior unit.

B. Width regulations. The lot width at the building line shall not be less than one hundred fifty (150') feet.

C. Coverage regulations. The ground surface covered by principal and accessory uses shall not be more than fifty (50%) percent of the lot area. The total lot coverage by buildings and paved surfaces shall not exceed eighty (80%) percent of the lot area.

D. Yard regulations.

(1) Front yard: depth, fifty (50') feet for buildings and loading spaces; four and a half (4.5') feet for parking spaces.

(2) Side yard: width, thirty (30') feet from buildings to lot, alley, or street right-of-way lines; fifteen (15') feet from parking and loading spaces to lot or street right-of-way lines.

(3) Rear yard: depth, ten (10') feet from buildings to lot, alley, or street right-of-way lines; ten (10') feet from parking and loading spaces to lot or street right-of-way lines.

Section 3. It is the intention of the Borough that the chapters, parts, sections, subsections, paragraphs, sentences and/or phrases of this Ordinance are severable. If any chapter, part, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or the validity of any remaining chapters, parts, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

Section 4. All prior ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in whole or in part to the extent they are inconsistent herewith.

Section 5. This Ordinance shall take effect in accordance with Section 3301.3(b) of the Borough Code, 8 Pa.C.S.A. §3301.3(b).

Section 6. The Borough of Hanover Zoning Ordinance, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance.

ORDAINED and ENACTED this ___ day of _____, 2020, by the Borough Council of Hanover, in lawful session duly assembled.

ATTEST:

BOROUGH OF HANOVER

Secretary
(Seal)

By: _____
Council President

APPROVED, this ___ day of _____, 2020 by the Mayor of the Borough of Hanover.

Mayor
(seal)