
AN ORDINANCE OF THE BOROUGH OF YOE, YORK COUNTY, PENNSYLVANIA AMENDING THE YOE BOROUGH ZONING ORDINANCE BY SUBSTITUTING A NEW SECTION 307 OF THE ZONING ORDINANCE FOR THE EXISTING SECTION 307 ZONING ORDINANCE, AND PROVIDING THEREIN FOR THE ESTABLISHMENT OF BUFFERS AND SCREENS FOR ALL SUBDIVISION AND LAND DEVELOPMENT, AND ESTABLISHING MINIMUM REQUIREMENTS FOR PROPERTY LINE BUFFERS, BUFFER LOCATION AND DIMENSIONS, AMOUNT AND TYPE OF PLANTING MATERIAL REQUIRED, AND ESTABLISHING DESIGN CRITERIA AND PROVIDING FOR SITE ELEMENT SCREENS, AND AMENDING SECTION 607.4 AND SECTION 626.4 OF THE YOE BOROUGH ZONING ORDINANCE TO ESTABLISH NEW CRITERIA FOR DISTANCES BETWEEN MULTI-FAMILY DWELLING GROUP OR CLUSTER DEVELOPMENTS AND TOWNHOUSE OR ROW DWELLING GROUP DEVELOPMENTS

ORDINANCE NO.: 2008 - 02

WHEREAS, it is the charge of the Borough Council of the Borough of Yoe to provide for the general health, safety, and welfare, of the Citizens of Yoe Borough; and

WHEREAS, pursuant to this charge, Yoe Borough has duly enacted the Yoe Borough Zoning Ordinance; and

WHEREAS, Borough Council has determined that it would be in the best interest of the health, safety, and welfare of the Citizens of Yoe Borough to Amend the Yoe Borough Zoning Ordinance; and

WHEREAS, this Ordinance has been duly advertised for consideration for adoption by the Borough Council of Yoe Borough; and

WHEREAS, a copy of this Ordinance has been provided to the York County Planning Commission for its review and comment which Borough Council has taken into consideration.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY BOROUGH COUNCIL OF THE BOROUGH OF YOE AS FOLLOWS:

1. Section 307 of the Yoe Borough Zoning Ordinance is hereby replaced in its entirety with a new Section 307 providing as follows:

2. The Yoe Borough Zoning Ordinance is further Amended to add Table 1 and Table 2 to Section 307 referencing Property Line Buffers and Site Element Screening.

3. The Yoe Borough Zoning Ordinance is further Amended to add the definition of "Site Element" to Section 103, Definitions.

Table 1
PROPERTY LINE BUFFERS

Proposed Land Use	Adjacent Land Use				
	Residential	Commercial	Institutional	Recreation	Industrial
<u>Residential</u> –					
-All Residential Uses			L	L	L
-One-Family Semi-Detached Dwelling	L	L			
-Single Family Dwelling	L	L			
-Two-Family Dwelling	L	L			
-Mobile Home	M	L			
-Rooming House	M	L			
-Group Quarters	M	L			
-Multi-Family Conversion	M	L		H	
-Multi-Family Dwelling Group	M	L		H	
-Row Dwelling/Townhouse Group	M	L		H	
<u>Commercial</u> –					
-All Commercial Uses		L	L	H	L
-Business/Professional Office	M				
-Financial Institution	M				
-Store/Shop	M				
-Eating Establishment	M				
-Greenhouse/Nursery	M				
-Club Room/Grounds/Meeting Hall	M				
-Household Furnishing Sales	M				
-Building Materials Sales	H				
-Shopping Center	M				
-Tavern	M				
-Vehicle Sales/Service	M				
-Gasoline Station	M				
-Commercial School	M				
-Medical Clinic	M				
-Funeral Home	M				
<u>Institutional</u> -					
-All Institutional Uses		L	L	L	L
-House of Worship	M				
-School	M				
-Child Day Care Center	M				
-Family Day Care Center	M				
-Convalescent/Nursing Home	L				
-Cemetery	L				
-Public Building/Facility	M				
-Public Utility Building/Service Structure	M				
<u>Recreation</u>					
-All Recreation Uses	L	L	L	L	L
<u>Industrial</u>					
-All Industrial Uses				H	L
-Warehouse	H	M	M		
-Light Industry	M	L	L		
-Industrial Park	M	L	L		

Table 2

SITE ELEMENT SCREENING

Proposed Site Element	Existing Adjacent Land Use (or Zoning District When Undeveloped)				
	Residential	Commercial or Institutional	Industrial	Recreation	Roads
Parking lots	1, 6	-	-	-	1, 6, 7, 9
Dumpsters, trash disposal, or recycling areas	3, 4, 8	3, 4, 8	3, 8	1, 8	3, 4, 8
Service or loading docks	2, 4, 5, 8	3, 5, 8	1, 3, 5, 8	4, 5, 8	3, 4, 5, 8
Outdoor storage or sales yard	6, 8	-	-	1	1, 6, 7
Vehicle storage or sales yard	6, 8	-	-	1	1, 6, 7
Single-family attached residential rear yards	1	1	-	1	1
Multi-family residential rear yards	1	1	-	1	1, 6
Active recreation facilities	1	-	-	-	1
Detention basins	1, 6, 7	-	-	-	1, 6, 7
Sewage treatment plants and pump stations	6, 8	-	-	1, 6, 7	1, 6, 7

NOTES:

1. Each site element within 100 feet of a property line or right-of-way shall be screened with the screen type shown in this chart. When more than one alternative is given, choose one.

§307. Buffers and screens.

1. All subdivisions and land developments shall be landscaped with the following two components:
 - A. Property line buffers, which act to integrate new development with its surroundings and to separate incompatible land uses.
 - B. Site element screens, which act to minimize or eliminate views to certain site elements located within 100 feet of property lines or street rights-of-way (either public or private).
2. The following requirements are minimum standards, and additional plant material, berms, or architectural elements may be included at the developer's discretion.
3. Property line buffer requirements.
 - A. Property line buffers shall be required for all proposed development, in accordance with Table 1.
 - B. All on-site investigation by the applicant shall determine the adjacent land uses along each property boundary.
 - C. In the case of vacant land, the existing zoning district shall be used.
 - D. In the case of several permitted uses on a site, the buffer requirements as shown in Table 1 shall apply to each individual use.
 - E. The amount and type of plant material required shall be determined by the intensity of the proposed land use and the adjacent use or zoning district for vacant land, according to Table 1.
 - F. Buffer area location and dimensions.
 - i. A buffer area of not less than 25 feet shall be established along all property lines of the parent tract, unless otherwise specified.
 - ii. The buffer area shall not encroach within the established front, side or rear yard setback areas.
 - iii. The buffer area shall be a continuous pervious planting bed consisting of trees, shrubs, and grass or ground cover.
 - iv. Parking is not permitted within the buffer area.

- v. Site element screens are permitted within the buffer area.
 - vi. Stormwater basins are not permitted within the buffer area.
 - vii. Permanent wetlands are permitted within the buffer area.
- E. Plant material quantities and types. For every 100 linear feet of property line to be buffered, the following minimum quantities and types of plant material shall be required:
- i. Low intensity: one canopy tree and two ornamental trees. (One evergreen tree may be substituted for one of the required ornamental trees.)
 - ii. Medium intensity: one canopy tree, two ornamental trees, two evergreen trees, and five shrubs.
 - iii. High intensity: an average of one evergreen tree shall be placed for each eight feet of length of the area being buffered, with the trees being staggered so that the center of each tree is at least 12 feet diagonally away from each other tree to provide room for future growth and more complete buffering. In addition, an average of two ornamental trees and one canopy tree shall be provided for every 100 feet of property line length to be buffered.
 - [a] Such landscaping may be replaced by or combined with an earth berm. This berm should have an average minimum height of five (5) feet and maximum side slopes of 3:1.
 - [b] If landscaping is combined with a berm, at least 60 percent of the landscaping shall be placed on the outside slope of the berm. Landscaping may be placed on the top of the berm if there will be proper moisture at the top of the berm. Any other required landscaping shall be placed between the berm and the adjacent street or lot line.
- F. Design criteria.
- i. The required plant material shall be distributed over the entire length and width of the buffer area.
 - ii. Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect a more natural character are encouraged.
 - iii. Plants shall be spaced to provide optimum growing conditions.

- iv. All plant materials shall meet the requirements of this Ordinance.
- v. A variety of tree species is required according to the following:

<u>Number of Trees</u>	<u>Minimum Number of Tree Species</u>	<u>Maximum Percent of Any One Species</u>
0 to 5	1	100
6 to 15	2	50
16 to 30	3	40
31 to 50	4	30
51 plus	6	20

- G. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
- H. Where buffering is required to be provided by more than one section of the Borough ordinances and the provisions of such sections differ, the requirements that will provide the most buffering shall apply.

4. Site element screens.

- A. Site element screens shall be required in all proposed land developments around the following site elements when such elements are located partially or fully within 100 feet of the property line or existing street right-of-way:
 - i. Parking lots.
 - ii. Dumpsters, trash disposal, or recycling areas.
 - iii. Service or loading docks.
 - iv. Outdoor storage or sales yard.
 - v. Vehicle storage or sales area.
 - vi. Single-family dwelling attached rear yards.
 - vii. Multifamily dwelling rear yards.
 - viii. Active recreation facilities.
 - ix. Detention basins.
 - x. Sewage treatment plants and pump stations.
- B. The type of site element screen shall be determined by the site element to be screened and the adjacent land use or zoning district for vacant land, according to Table 2.
- C. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary.
- D. In the case of vacant land, the existing zoning district shall be used.

- E. Site elements not included in the above list but with similar visual impact shall be screened according to the requirements for the most similar elements.
- F. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on corner triangles.
- G. Screen types and design criteria. The following types of screens shall be used where specified in Table 2:
 - i. Screen Type No. 1. Evergreen or Deciduous Shrubs: Shrubs shall be placed three feet on center in a minimum five-foot wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3½ feet at maturity. Shrubs shall be at least two (2) feet in height at the time of planting.
 - ii. Screen Type No. 2. Evergreen Hedge with Ornamental and Canopy Trees: An average of one evergreen tree shall be placed for each eight feet of length of the area being screened, with the trees being staggered so that the center of each tree is at least 12 feet away diagonally from each other tree to provide room for future growth. In addition, an average of two ornamental trees and one canopy tree shall be provided for every 100 feet of property line length to be screened.
 - [a] Such landscaping may be combined with an earth berm with an average minimum height of five feet and maximum side slopes of 3:1.
 - [b] If a berm is used, the majority of landscaping shall be placed on the outside slope of the berm. Landscaping may be placed on the top of the berm if there will be proper moisture at the top of the berm. Any other required landscaping shall be placed between the berm and the adjacent street or lot line.
 - iii. Screen Type No. 3. Opaque Fence: A six-foot opaque fence surrounding the site element on at least three sides shall be provided.
 - iv. Screen Type No. 4. Opaque Fence with Ornamental Trees and Shrubs: A six-foot opaque fence surrounding site element on at least three sides with additional plantings at the minimum rate of three shrubs and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to fence, shall be provided.
 - v. Screen Type No. 5. Architectural Extension of the Building: An eight-foot

minimum-height architectural extension of the building (such as a wing wall) shall enclose the service or loading dock. The extension shall be consistent in building materials and style with the main building.

- vi. Screen Type No. 6. Berm with Ornamental Trees: A two- to three-foot high continuous berm with ornamental trees at the rate of one tree for every 20 feet clustered or arranged informally shall be provided. The maximum slope of the berm shall be 3:1.
- vii. Screen Type No. 7: A two- to three-foot high continuous curvilinear berm with grass or groundcover shall be provided. The maximum slope of the berm shall be 3:1.
- viii. Screen Type No. 8. Evergreen Hedge: An evergreen hedge with a minimum height at planting of six feet, planted a maximum of three feet on center, shall be provided.
- ix. Screen Type No. 9. Low Wall: A wall of brick or stone (not concrete block), at least 50% opaque, and no less than three and no more than four feet in height, shall be provided.

H. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.

2. **Section 103.3** of the Yoe Borough Zoning Ordinance is hereby amended to add the definition of "Site Element:" A man-made feature which is part of a subdivision, land development, or non-residential use that may be considered to be incompatible with an adjacent use and is subject to screening according to the provisions of this Ordinance. Examples of site elements include parking lots, loading docks, dumpsters, and sewage treatment plants.

3. **Section 607.4** of the Yoe Borough Zoning Ordinance is hereby amended to increase the minimum distance between each multi-family dwelling to 60-feet rather than 40-feet.

4. **Section 626.4** of the Yoe Borough Zoning Ordinance is amended to increase the minimum distance between each townhouse and row dwelling group to 60-feet rather than 40-feet.

5. The amendments to this Zoning Ordinance are severable and if any, section or subsection, clause, sentence or part of the amendment shall be held or declared illegal, invalid, and/or unconstitutional by any Court of competent jurisdiction; that decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof. It is hereby declared to be the intent of the Yoe Borough and the Yoe Borough Council, that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, subsection, clause, sentence or other part hereof had not been included herein.


6. All the rest residue and remainder of the Yoe Borough Zoning Ordinance not hereinabove specifically amended, shall remain in full force and effect.


7. This Ordinance shall be effective in accordance with applicable law.

ENACTED AND ORDAINED this 7th day of October, 2008, by the Borough Council of the Borough of Yoe, York County, Pennsylvania, in lawful session.

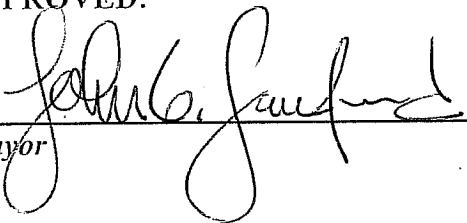
ATTEST:

YOE BOROUGH COUNCIL


Secretary


President

APPROVED:


Mayor