

Proposed Zoning Ordinance Amendment

Ordinance No. 2017-12-01

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE AND MAP OF WINDSOR TOWNSHIP, YORK COUNTY, PENNSYLVANIA, BY REZONING REAL PROPERTY FROM LOW DENSITY RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-1).

WHEREAS, the Windsor Township Board of Supervisors has reviewed the provisions of the Official Zoning Ordinance of Lower Windsor Township relative to the Low Density Residential (R-1) and General Commercial zones.

WHEREAS, the Board of Supervisors believes that the rezoning contemplated by this Ordinance is in the best interests of the health, safety, and welfare of the residents of Windsor Township.

WHEREAS, the Board of Supervisors believes the real property identified as Parcel ID 53000HJ0098G000000, Lot No. 2, should be rezoned from Low Density Residential (R-1) to General Commercial (C-1).

NOW, THEREFORE, be it ordained and enacted that the following amendment be made to the Windsor Township Zoning Ordinance of 2013, as amended, and official Zoning Map, as follows:

SECTION 1. Property Rezoned. The Real Property identified as Parcel ID 53000HJ0098G000000, Lot No. 2, should be rezoned from Low Density Residential (R-1) to General Commercial (C-1).

SECTION 2. Invalidity. In the event any provision, section, sentence, or clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall remain in full force and effect.

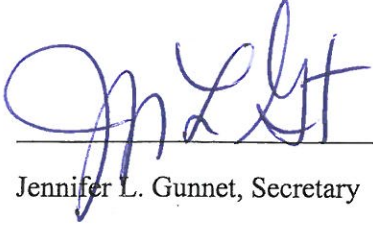
SECTION 3. Public Purpose. It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the residents of the Borough.

SECTION 4. Effective Date. This Ordinance shall become effective five (5) days following passage.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

ENACTED AND ORDAINED, this 18th day of December 2017.

ATTEST:



Jennifer L. Gunnet, Secretary

WINDSOR TOWNSHIP BOARD
OF SUPERVISORS

Dean L. Heffner, Chairman



Jo Anna J. Shovlin

Rodney L. Sechrist

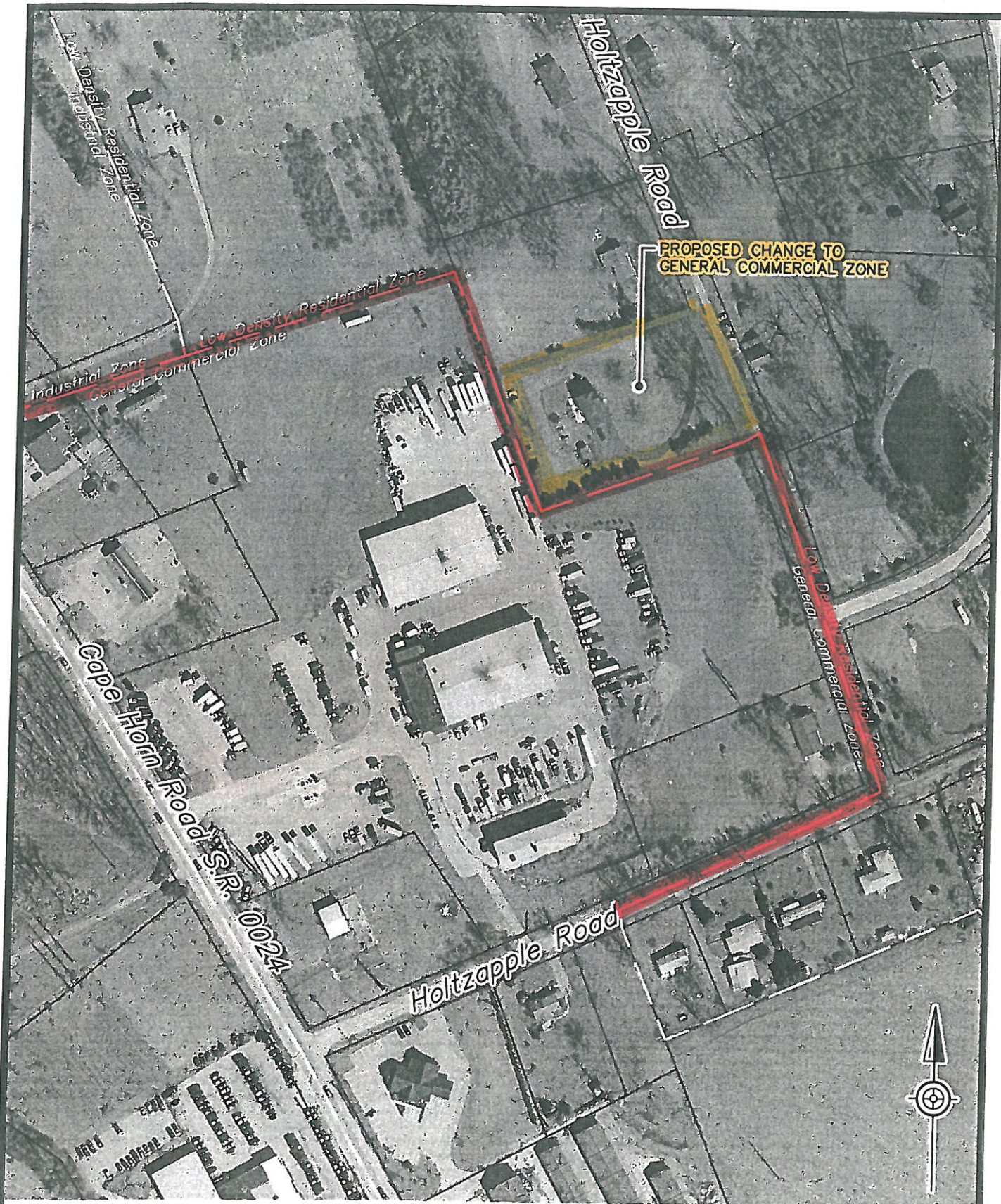
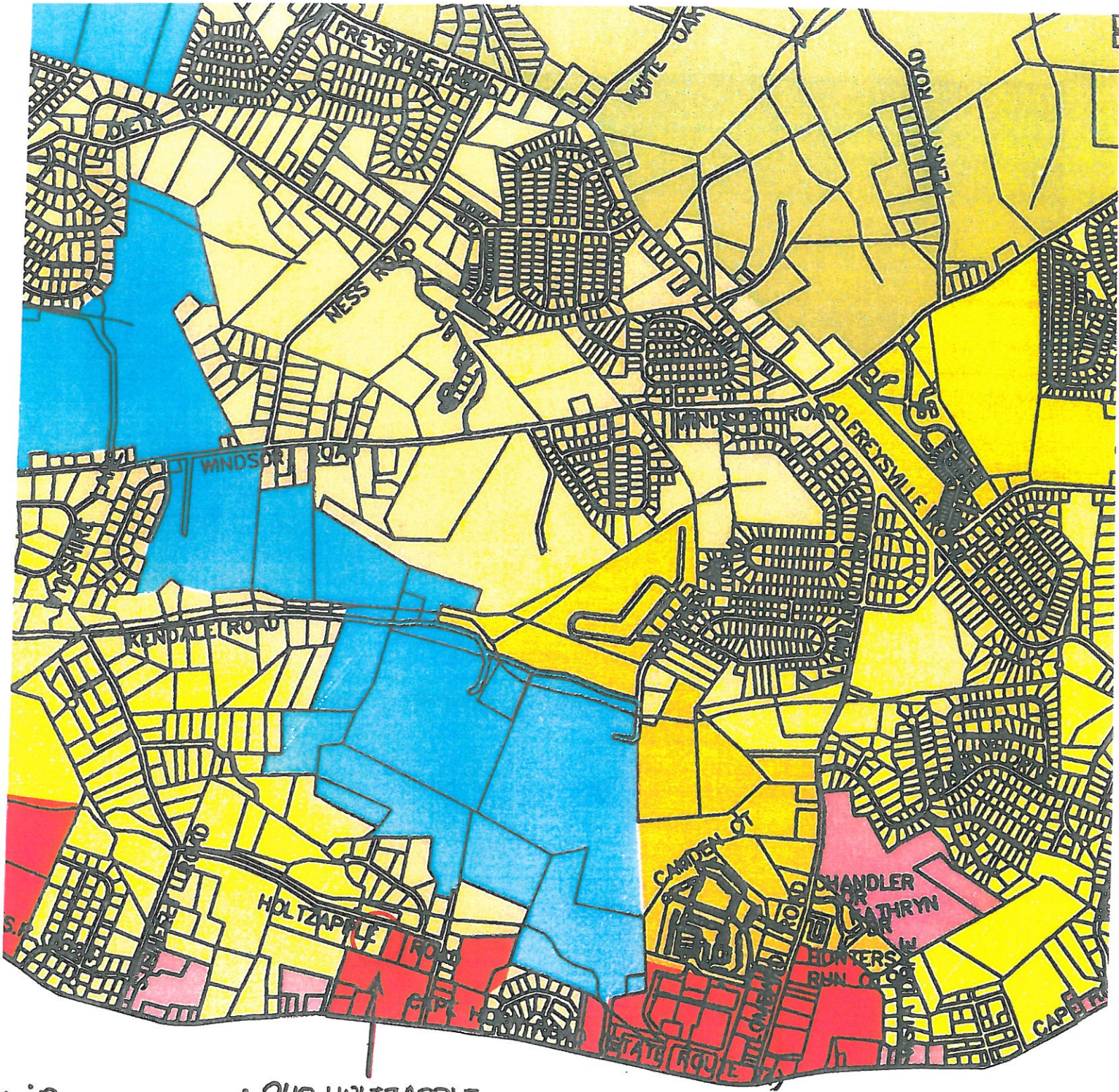


EXHIBIT "A"

240 HOLTZAPPLE RD

UPI: 53-000-HJ-0098.J0-00000





ship

• 240 HOLTZAPFEL

LEGEND



AGRICULTURAL (A) ZONE

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-06-01

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, ADOPTED JANUARY 7, 2013, AS AMENDED, BY ADDING DEFINITIONS TO SECTION 112 FOR DECK AND PATIO AND AMENDING THE DEFINITIONS FOR IMPERVIOUS SURFACE AND LOT COVERAGE.

NOW THEREFORE, be enacted and ordained by the Windsor Township Board of Supervisors that the following amendments be made to the Windsor Township Zoning Ordinance of 2013.

SECTION 1. Section 112; “Definitions” are amended and modified to add and/or modify the following:

Deck – A roofless, floored structure

Patio – An improvement intended for outdoor use constructed on an aggregate base, set on or near ground level.

Impervious Surface – A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt, stone and gravel surfaces. These include, but are not limited to, streets and parking areas, driveways, sidewalks, patios, and structures which cover the land. Decks shall not be considered impervious surfaces provided that they are not covered with a roof or awning, are not constructed above a patio or other impervious surface, and are constructed such that rainwater can drain freely between regularly spaced gaps in the decking material. Decks that do not meet all of the criteria listed above shall be considered impervious surfaces. Any surface stormwater management controls installed in excess of those required shall be considered an impervious surface, excluding vegetative/mulched surfaces.

Lot Coverage – A percentage of the lot area which is covered with buildings, driveways, parking areas, patios, decks, sidewalks and similar improvements regardless of it being considered a pervious or impervious surface.

SECTION 2. This Ordinance shall not affect the remaining provisions of the Windsor Township Ordinance of 2013, which provisions remain in full force and effect.

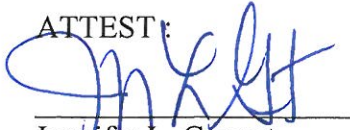
SECTION 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity

of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This Ordinance shall become effective five (5) days after enactment.

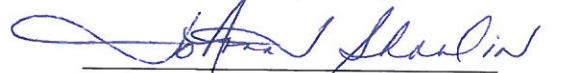
ENACTED AND ORDAINTED this 18th day of June, 2018.

ATTEST:


Jennifer L. Gunnet

WINDSOR TOWNSHIP
BOARD OF SUPERVISORS


Dean L. Heffner, Chairperson


Jo Anna J. Shovlin, Vice Chairperson

Rodney L. Sechrist

ORDINANCE NO. 2018-06-02

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE ADOPTED SEPTEMBER 21, 2015, AS
AMENDED, BY MODIFYING THE DEFINITION OF IMPROVEMENTS IN ARTICLE 2

BE IT ENACTED AND ORAINED by the Board of Supervisors of Windsor Township,
York County, Pennsylvania, and it is hereby enacted and ordained that the Windsor Township
Subdivision and Land Development Ordinance is hereby amended as follows:

SECTION 1. Article 2, "Definitions" are amended to modify the following:

Improvements – Those physical changes to the land necessary to produce usable and
desirable lots including but not limited to, grading, pavement, curb,
storm and sanitary sewers, gutter, drains, and betterments to existing
water courses, sidewalks, street signs, crosswalks, shade trees, sodding
or seeding, street name signs, monuments, lighting, storm water
management facilities, and parking.

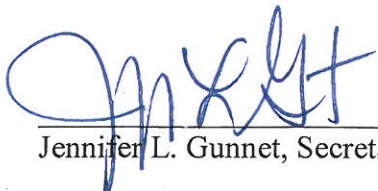
SECTION 2. This Ordinance shall not affect the remaining provisions of the Windsor
Township Ordinance of 2015, which provisions remain in full force and effect.

SECTION 3. Should any section or provision of this Ordinance be declared by a court of
competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity
of this Ordinance as a whole, or any part thereof, other than the part so declared to be
unconstitutional or invalid.

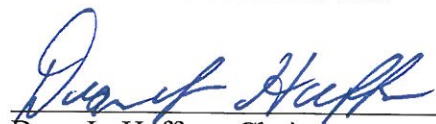
SECTION 4. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED into an Ordinance this 18th day of
June, 2018.

ATTEST:


Jennifer L. Gunnet, Secretary

WINDSOR TOWNSHIP
BOARD OF SUPERVISORS


Dean L. Heffner, Chairperson


Jo Anna J. Shovlin, Vice-Chairperson

Rodney L. Sechrist

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-08-01

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, ADOPTED JANUARY 7, 2013, AS AMENDED, BY AMENDING THE DEFINITIONS IN SECTION 112 FOR DAY-CARE, DAY-CARE COMMERCIAL, DAY-CARE FAMILY, DAY-CARE GROUP, STRUCTURE, ACCESSORY AND NET ACRE(AGE) AND ADDING A DEFINITION FOR NURSERY/GARDEN CENTER; AMENDING SECTION 427.2 TO REMOVE SETBACK REQUIREMENTS; AMEND SECTIONS 211.2 AND 220.2 TO INCLUDE MUNICIPAL SERVICES AND PUBLIC UTILITIES STRUCTURES; ADD SPECIAL EVENTS AS A SPECIAL EXCEPTION TO RURAL RESIDENTIAL, LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL AND INDUSTRIAL ZONES; AMEND TYPOGRAPHICAL ERROR IN SECTION 210.2.11; AMEND TABLE 311.18 TO SHOW SELF STORAGE; AMEND TABLE 450.12 MAXIMUM PERMITTED IMPERVIOUS LOT COVERAGE; AMEND SECTION 303.1 SETBACK MODIFICATION; AMEND SECTION 204.2 TO ALLOW NONCOMMERCIAL KEEPING OF LIVESTOCK

NOW THEREFORE, be enacted and ordained by the Windsor Township Board of Supervisors that the following amendments be made to the Windsor Township Zoning Ordinance of 2013.

SECTION 1. Section 112.3; "Definitions" are amended and modified to add and/or modify the following:

Day-Care – The offering of care or supervision over minors or special needs adults who are not related to the provider in lieu of care or supervision by family members at a home other than their own. This definition does not include the offerings of overnight accommodations.

Day-Care, Commercial – A day-care facility that is a primary commercial use and is licensed by the Commonwealth of Pennsylvania.

Day-Care, Family – A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to four (4), five (5), or six (6) different persons during any calendar day. The above figures exclude the provider's children.

Day-Care, Group – A day-care facility that is operated as an accessory use to a detached single-family dwelling that is licensed by the Commonwealth of Pennsylvania and offers care and supervision to seven (7) to twelve (12) different persons during any calendar day.

Structure, Accessory – For other than agricultural uses, a subordinate structure located on the same lot as the principal use, and clearly incidental and subordinate to the principal use; including, but not limited to, private garages, utility buildings, tool sheds, etc. Any portion of the principal building devoted or intended to be devoted to an accessory use is not an accessory building. In the case of a “pre-built” and/or a “pre-fabricated” structure, to be used as an accessory structure, the unit/structure shall not have been a unit/structure “titled” for use under the Pennsylvania Motor Vehicle Code, Commonwealth of Pennsylvania. To be considered independent, multiple accessory structures must maintain a minimum of three (3) foot separation distance.

Net Acreage – The land area of a development upon which permitted density is calculated. Such area expressly excludes existing and/or proposed:

- Public/private right-of-way;
- Public/private easements;
- Public/private streets;
- Eighty (80) percent of floodplains;
- One hundred (100) percent of wetlands;
- One hundred (100) percent of severely steep slopes;
- Twenty-five (25) percent of moderately steep slopes.

Nursery/Garden Center – A facility used for the propagation and retail sales of agricultural or ornamental plants and related products as its primary business.

SECTION 2. Section 427.2 Group Day-Care Facilities is hereby amended as follows:

An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);

SECTION 3. Section 211.2; General Commercial Zone Permitted Uses is hereby amended as follows:

1. Agricultural (excluding large scale livestock and/or commercial produce operations);
2. Amusement arcades;
3. Banks and similar financial institutions;
4. Convenience stores (without automobile filling stations);
5. Horticultural and Timber Harvest uses, subject to the standards listed in Section 201 and/or Section 322 of this Ordinance;
6. Laboratories;

7. Municipal services and/or public utilities structures, as associated with essential services, subject to the applicable design standards listed in Section 201.5 of this Ordinance;
8. Offices;
9. Personal Customer Service business;
10. Parks and playgrounds;
11. Places of Worship and related uses;
12. Restaurants and taverns (not including drive-thru or fast-food restaurants or nightclubs);
13. Retail sales and/or services (including auto parts stores, without installation) with a gross floor area of less than twenty thousand (20,000) square feet;
14. Shops for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry, cabinet making, excavating (including service or repair of heavy equipment if conducted within a completely enclosed building, excluding outdoor equipment storage exceeding a continuous 72 hours), and other structural components of buildings;
15. Theaters and auditoriums;
16. Veterinary Offices; and

SECTION 4. Rural Residential (R-R) Zone; Section 202.3 is hereby amended as follows:

10. Special Events (See Section 453);
11. Temporary Accessory Dwelling Unit (See Section 455);

SECTION 5. Low Density Residential (R-1) Zone; Section 203.3 is hereby amended as follows:

7. Special Events (See Section 453);
8. Temporary Accessory Dwelling Unit (See Section 455);

SECTION 6. Medium Density Residential (R-2) Zone; Section 204.4 is hereby amended as follows:

10. Special Events (See Section 453);
11. Temporary Accessory Dwelling Unit (See Section 455);

SECTION 7. Neighborhood Commercial (C-N) Zone; Section 210.3 is hereby amended as follows:

4. Special Events (See Section 453);

SECTION 8. General Commercial (C-1) Zone; Section 211.3 is hereby amended as follows:

26. Special Events (See Section 453);

SECTION 9. Industrial (I) Zone; Section 220.3 is hereby amended as follows:

- 16. Special Events (See Section 453);
- 17. Spent mushroom compost processing and/or commercial mushroom operations (See Section 454);
- 18. Truck stops or motor freight terminals (See Section 456); and
- 19. Warehousing and wholesale trade establishments (See Section 457);

SECTION 10. Section 210.2.11 is hereby amended as follows:

- 11. Existing Residential uses and existing residential accessory structures. New stand-alone residential uses are not permitted. Expansion of existing residential structures is permitted provided that such expansion meets all applicable dimensional requirements.

SECTION 11. Section 311.18; Commercial Uses table is hereby amended as follows:

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automobile repair, filling and washing facilities	400 square feet of gross floor area devoted to repair and service facilities in addition to areas normally devoted to automobile storage plus one per employee on major shift
Automobile, boat, and trailer sales	500 square feet of gross floor area
Convenience stores	100 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Two seats and one per each two employees
Food markets and grocery stores	125 square feet of gross floor area plus one per each employee on two largest shifts
Funeral homes	100 square feet of gross floor area, one per each employee, and one per each piece mobile equipment, such as hearses and ambulances
Furniture sales	500 square feet of gross floor area
Hotels, motels, tourist homes Bed and Breakfast	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall be viewed separately)
Self-Storage	Per each 25 units plus one per 250 square feet of office space, plus two per any resident manager
Office Buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	Six spaces per each physician or dentist, etc.
Personal Customer Service Business	200 square feet of gross floor area plus one per each employee on the two largest shifts.
Retail stores or shops (except those listed above)	200 square feet of gross floor area and one per each employee on two largest shifts.
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	See Section 450.
Other commercial buildings	400 square feet of gross floor area

SECTION 12. Section 450.12; Required Minimum Setbacks table is hereby amended as follows:

Use	Minimum Required Lot Area	Minimum Required Lot Width	Required Minimum Setbacks			Minimum Required Setback From Residential Zone	Maximum Permitted Impervious Lot Coverage
			Front, as Measured from Street R.O.W.	Side	Rear		
Shopping center, as defined herein, with between 20,000 & 100,000 square feet of gross floor area	<u>C-1 Zone</u> 6 acres	300 ft. at the building setback line & street line	35 ft. for buildings & structures (except permitted signs); 25 ft. for off-street loading, nor dumpsters are permitted within the front yard.	30 ft. for buildings & structures (except permitted signs); 20 ft. for off-street parking & loading spaces & dumpsters	30 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking	70%
Shopping center, as defined herein, with over 100,000 square feet of gross floor area.	<u>C-1 Zone</u> 17 acres	500 ft. at the building setback line & street line	100 ft. for buildings & structures (except permitted signs); 40 ft. for off-street parking; no off-street loading, nor dumpsters are permitted with the front yard.	40 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters	40 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street parking	70%

SECTION 13. Section 303.1 is hereby amended as follows:

Front Setback of Buildings on Built-up Streets – Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than that required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than twenty-five (25) feet from any abutting street right-of-way line; and,

SECTION 14. Section 204.2.12; Medium Density Residential Zone Permitted Uses is hereby amended as follows:

- E. The noncommercial keeping of livestock, subject to the standards of Section 201.2.9.E., except that within this Zone, the site shall be a minimum of five (5) net acres.

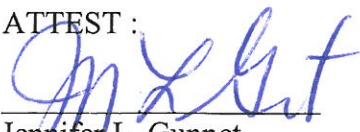
SECTION 15. This Ordinance shall not affect the remaining provisions of the Windsor Township Ordinance of 2013, which provisions remain in full force and effect.

SECTION 16. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 16. This Ordinance shall become effective five (5) days after enactment.

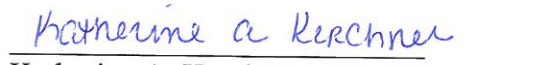
ENACTED AND ORDAINED this 19 day of August, 2019.

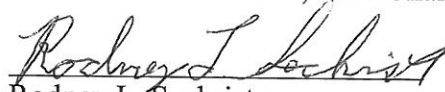
ATTEST:


Jennifer L. Gunnet

WINDSOR TOWNSHIP
BOARD OF SUPERVISORS


Dean L. Heffner, Chairperson


Katherine A. Kerchner, Vice Chairperson


Rodney L. Sechrist

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019 -12-01

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, AS AMENDED, BY ADDING DEFINITIONS TO SECTION 112 FOR BARN, SPECIAL EVENT BARN AND ADDING THE SPECIAL EXCEPTION USE FOR SPECIAL EVENT BARN.

NOW THEREFORE BE, be it enacted and ordained by the Windsor Township Board of Supervisors, York County, Pennsylvania as follows:

SECTION 1. Section 112; Definitions are amended to add the following with proper location in alphabetical order:

Barn – a building, accessory to a farm, that is used for storing agricultural equipment, hay, grain, and other crops, and often used for housing livestock.

Special Event Barn – a permanent structure that is/was being used as a barn, and the green space within fifty (50) feet of said structure, on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

SECTION 2. Agricultural (A) Zone; Section 201.3 is hereby amended as follows:

21. Special Events Barn (See Section 458)

SECTION 3. Rural Residential (R-R) Zone; Section 202.3 is hereby amended as follows:

12. Special Events Barn (See Section 458)

SECTION 4. Low Density Residential (R-1) Zone; Section 203.3 is hereby amended as follows:

9. Special Events Barn (See Section 458)

SECTION 5. Medium Density Residential (R-2) Zone; Section 204.4 is hereby amended as follows:

12. Special Events Barn (See Section 458)

SECTION 6. Neighborhood Commercial (C-N) Zone; Section 210.3 is hereby amended as follows:

5. Special Events Barn (See Section 458)

SECTION 7. General Commercial (C-1) Zone; Section 211.3 is hereby amended as follows:

27. Special Events Barn (See Section 458)

SECTION 8. Industrial (I) Zone; Section 220.3 is hereby amended as follows:

20. Special Events Barn (See Section 458)

SECTION 9. Section 400; Specific Standards for Special Exceptions shall be amended to add the following:

Section 458 Special Events Barn

458.1 Within All Zones, Special Events Barns are permitted by Special Exception, subject to the following criteria:

458.2 Minimum Lot Area of ten (10) acres

458.3 Any Special Event Barn shall be subject to the following setback requirements:

1. The Special Events Barn, fixtures, temporary tents and parking shall be set back at least thirty-five (35) feet from all property lines.
2. 100' from existing residential uses.

458.4 Any additions or changes to the Barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the Barn except as necessary to provide for safe use by patron, and all additions or changes shall comply with applicable building codes.

458.5 Attendance at a single event at a Special Event Barn shall be limited to no more than two (200) hundred persons. Staff for the event (e.g., security, caterers, etc.) shall not be included in the attendance count.

458.6 The property owner or an employee shall be on the premises during the entire duration of a Special Event or Meeting.

458.7 The conduct of the event including fixtures, temporary tents and parking may extend to the grounds but may not extend into the building setback areas.

458.8 Off-Street parking spaces shall be provided at a minimum of one parking space for each two seats.

- 458.9 Parking shall be on the property on which the Special Event Barn is located and shall be on the same contiguous land so that attendees to events should not need to cross a public road. Under no circumstances may parking be on a State or Township road, on other public property, or on private property other than that on which the Special Event Barn is located. Access drives shall comply with Section 310 of this Ordinance.
- 458.10 No event may begin before 11:00 a.m. (Monday through Saturday) and noon on Sunday or extend past 10:00 p.m., with all attendees to exit the premises by midnight.
- 458.11 All entertainment must end at 10 p.m.
- 458.12 All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Events Barn.
- 458.13 If the Barn does not include sufficient restroom facilities to meet the building code requirements then portable restroom facilities must be provided. Those facilities must be located in an area that will reduce the visibility from public roads and neighboring residential structures. Documentation must be provided indicating how this will be achieved.
- 458.14 No commercial sale of food or beverages is allowed at any event associated with the use of the Special Events Barn.
- 458.15 Alcoholic beverages may be served only as allowed by local and state laws. There shall be no retail sale of alcoholic beverages or food.
- 458.16 One (1) monument sign per road frontage not exceeding two (2), with a maximum total of 50 square feet.
- 458.17 Any structure being used as a Special Event Barn shall be permitted and inspected in accordance with the Windsor Township Building Permit Ordinance.
- 458.18 Any changes necessary to accomplish the use as a Special Event Barn, (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Subdivision and Land Development Ordinance, Stormwater Ordinance, Zoning Ordinance, and Uniform Construction Code, where applicable.
- 458.19 No pyrotechnics may be used in conjunction with activities associated with the Special Event Barn.
- 458.20 Special events may be held only on Fridays, Saturdays and Sundays, with smaller meetings (30 or less people) during the week.

458.21 Trash shall be removed within 48 hours following the end of every special event.

458.22 All trash must be stored within a commercial dumpster and comply with Section 302.4 of the Windsor Township Zoning Ordinance.

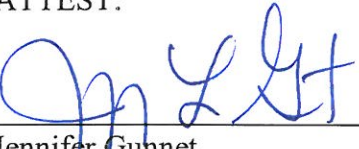
SECTION 10. This Ordinance shall in no way be deemed to invalidate or repeal any provisions of the Windsor Township Zoning Ordinance 2013, As Amended, except as specifically provided for herein.

SECTION 11. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7. Effective Date. This Ordinance shall be effective five (5) days after its enactment.

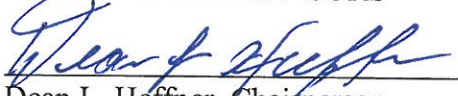
ENACTED AND ORDAINED this 16th day of Dec., 2019.

ATTEST:

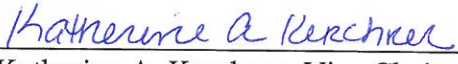


Jennifer Gunnet

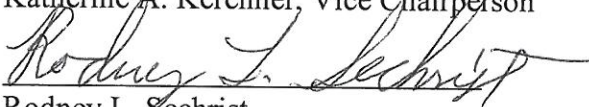
WINDSOR TOWNSHIP
BOARD OF SUPERVISORS



Dean L. Heffner, Chairperson



Katherine A. Kerchner, Vice Chairperson



Rodney L. Sechrist

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-07-01

AN ORDINANCE AMENDING THE WINDSOR TOWNSHIP ZONING ORDINANCE OF 2013, ADOPTED JANUARY 7, 2013, AS AMENDED, BY REVISING THE TABLE OF CONTENTS; AMENDING SECTION 112 DEFINITIONS; AMENDING SECTION 201.5 AREA AND DESIGN REQUIREMENTS TABLE; ADDITIONS TO SECTION 211.2 PERMITTED USES; REVISING SECTION 211.5.4 RESIDENTIAL BUFFER STRIP; AMENDING SECTION 301.2 WALLS; AMENDMENTS TO SECTION 311.16.1 JOINT PARKING LOTS; AMENDING SECTION 311.18 SCHEDULE OF REQUIRED PARKING SPACES; AMENDMENTS TO SECTION 313.2 SPECIFIC SIGN REQUIREMENTS TABLES; AMENDING SECTION 419 DRIVE-THRU AND/OR FAST-FOOD RESTAURANTS; REVISIONS TO SECTION 701.3 PROCEDURES

NOW THEREFORE, be enacted and ordained by the Windsor Township Board of Supervisors that the following amendments be made to the Windsor Township Zoning Ordinance of 2013.

SECTION 1. The TABLE OF CONTENTS; Article 4, “Specific Use Criteria” shall be amended to include:

Section 458 Special Events Barn

SECTION 2. Section 112.3; “Definitions” is amended and modified to add and/or modify the following:

SIGN - Monument Sign – Any Freestanding Sign, the full width of which extends no more than thirty (30”) inches above ground level, or which is supported by posts, columns, walls, or other structural elements having a width equal to or greater than the sign width.

Special Events Barn – A permanent structure that is/was being used as a barn, and the green space within fifty (50) feet of said structure, on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

SECTION 3. Section 201.5; “Area and Design Requirements” is amended to the following:

Use	Required Lot Area	Minimum Required Lot Width	Minimum Required Front Setback	Minimum Required Side Setback	Minimum Required Rear Setback	Maximum Permitted Lot Coverage	Maximum Permitted Height
Agriculture, horticulture and timber harvest-related uses	Minimum: 10 acres	150 ft.	50 ft.	50 ft. each side	50 ft.	20%	150 ft. ¹
Single-family detached dwellings	Min: 1 acre Max: 2 acres	150 ft.	50 ft.	25 ft. each side	30 ft.	20%	35 ft.
Municipal Services, Public uses and public utilities structures	6,250 sq. ft.	30 ft.	5 ft.	5 ft. each side	5 ft.	80 %	35 ft.
Other principal uses	Min: 1 acre Max: 5 acres ³	150 ft.	50 ft.	50 ft. each side	50 ft.	20%	35 ft.
FOOTNOTES							
¹ Each structure must be set back a distance at least equal to its height from each property line, plus fifteen (15) feet.							
² Unless otherwise specified in Article 4.							

SECTION 4. Section 211.2. “Permitted Uses” has been amended to include the following:

17. Low volume storage/warehousing with a maximum gross floor area of six thousand five hundred (6,500) square feet.

SECTION 5. Section 211.5. “Minimum Setback Requirements” has been revised to:

4. Residential Buffer Strip - Any lot adjoining land within a residential zone, or adjoining an existing residential use, shall maintain, a twenty-five (25) foot setback for nonresidential buildings, structures, off-street parking lots, and outdoor storage areas, from the residentially-zoned or residentially-used parcels. Loading areas shall maintain a total fifty (50) foot setback from the residentially zoned or residentially-used parcels. Such areas shall be used for a landscape strip and screen.

SECTION 6. Section 301 “Accessory Uses and Structures” is amended and modified to add and/or modify the following:

301.2 Walls:

1. In A, R-R, R-1, and R-2 Zones, no wall (except a wall of a building permitted under the terms of this ordinance) shall be erected to a height greater than six (6) feet. All portions of all walls shall be separated from all other portions of all other walls by a distance greater than one and a half (1.5) times the maximum height of the tallest wall. The area between two walls shall be sloped at a grade of five (5) percent or less in any direction. Any wall with a height of six (6) feet shall be equipped with a railing or fence four (4) feet in height, or taller, and designed to prevent falls, entrapment, or other hazards. No wall shall be erected in any easement or right-of-way.
2. In the C-N, C-1, and I Zones, walls exceeding six (6) feet in height, from the finish grade elevation at the bottom of the wall to the top cap of the wall, require a Licensed Professional Engineer or Structural Engineer to seal and sign plans and provide a report associated with the wall design. Any wall at or exceeding six (6) feet in height shall be equipped with a railing or fence four (4) feet in height, or taller, and designed to prevent falls, entrapment, or other hazards. No wall shall be erected in any easement or right-of-way.

SECTION 7. Section 311.16. “Joint Parking Lots” has been revised to the following:

1. In shopping centers, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20) percent. Therefore, the resulting joint parking lot will be required to provide at least eighty (80) percent of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicles and each of the shopping center's stores;

SECTION 8. Section 311.18. “Schedule of Required Parking Spaces” tables have been modified as follows:

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automobile repair, filling and washing facilities	400 square feet of gross floor area devoted to repair and service facilities in addition to areas normally devoted to automobile storage plus one per employee on major shift
Automobile, boat, and trailer sales	500 square feet of gross floor area
Convenience stores	300 square feet of gross floor area
Drive-thru and/or fast-food restaurants	Four seats and one per each two employees
Food markets and grocery stores	200 square feet of retail sales area plus one per each employee on two largest shifts
Funeral homes	200 square feet of gross floor area, one per each employee
Furniture sales	500 square feet gross floor area
Hotels, motels, tourist homes Bed and breakfast	Guest sleeping room and one per each employee on two largest shifts. (Restaurants and other accessory uses shall be viewed separately.)
Self Storage	Per each 25 units plus one per 300 square feet of office space, plus two per any resident manager
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	Four spaces per each physician or dentist, etc.
Personal Customer Service Business	300 square feet of gross floor area plus one per each employee on the two largest shifts.
Retail stores or shops (except those listed above)	300 square feet of gross floor area and one per each employee on two largest shifts
Restaurants	Four seats plus one per each employee on largest shift
Shopping centers or malls	See Section 450.
Other commercial buildings	400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
INDUSTRIAL USES	
Industrial and heavy manufacturing establishments	Two employees dedicated to manufacturing on the two largest shifts.
Warehousing	Employee on the two largest shifts

PERMANENT SIGN REQUIREMENTS

Sign Type/Description	Permitted Zones/ /Permit Required	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Minimum Setback from ROW	Maximum Height of Flat Wall Sign	Maximum Height of Wall Projecting Sign	Maximum Projection from a Wall for a Projecting Sign	Other Requirements
Neighborhood Commercial business signs; This does not include businesses contained within shopping centers, as defined herein.	C-N/Yes	1 monument sign; a maximum of 3 signs total permitted.	Cumulatively, signs shall not exceed 100 square feet.	15 feet	5 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	No flat wall sign, nor wall projecting sign shall be larger than 25% of the wall area to which the sign is attached.
Commercial & Industrial business signs; This does not include businesses contained within shopping centers, as defined herein.	C-1, & I/ Yes	1 monument sign; a maximum of 3 signs total permitted.	Cumulatively, signs shall not exceed 200 square feet.	15 feet	5 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	No flat wall sign, nor wall projecting sign shall be larger than 25% of the wall area to which the sign is attached.
Public Sign; Signs specifically identifying uses rendering public services (i.e. schools, place of worship, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses); exclusive of any other sign type.	All/ Yes	1 monument sign; with a maximum of 3 signs total permitted.	Cumulatively, signs shall not exceed 100 square feet.	15 feet	5 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	
Residential development/ neighborhood signs; Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	A, R-1, and R-2/ Yes	1 per street entrance, no more than 2 total	Cumulatively, signs shall not exceed 100 square feet.	15 feet	5 feet	Height of wall to which sign is attached	N/A	N/A	The applicant shall submit a written description of the maintenance guarantee to the Township for review and approval.
Personal Expression Sign; signs that depict the opinion or expression of the property owner, or otherwise defined herein. The display of trademarks is prohibited. Any sign that references a business located on the same lot as the sign shall not be deemed a Personal Expression Sign.	All/ Yes	1 per lot	32 square feet	15 feet	10 feet or the height of the sign; whichever is greater	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	
Off-premise signs; signs indicating the direction of travel to a public use, park, place of worship, or public school which is not located on the premises of such use.	All/ Yes	2 per use	4 square feet	10 feet	Height of sign	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	If located on private property the applicant will need written consent. Shall not be located within a street right-of-way, or interfere with any clear sight triangle. No more than two (2) off-premises signs may be located within 200 feet of any street intersection.

SHOPPING CENTER SIGN REQUIREMENTS

Sign Type	Maximum # Permitted	Maximum Area Permitted	Maximum Height	Other Requirements
Shopping center sign	1 per street frontage with entrance or exit	Maximum of 200 square feet	20 feet	This sign shall devote no less than 10% of the total sign area (per side) to the advertisement of the shopping center's name.
Anchor tenant sign for one use containing more than 150 lineal feet of storefront	Unlimited	1 square foot for each 1 lineal foot of storefront.	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.
Storefront sign for one use containing up to 150 lineal feet of storefront	1 per principal use	2 square foot for each 1 lineal foot of storefront up to 80 square feet.	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, or wall projecting signs.
Storefront under-canopy signs for all principal uses.	2 per use with less than 150 lineal feet of storefront. 3 per use with more than 150 lineal feet of storefront.	4 square feet/Sign	To base of canopy, or where no canopy is provided, 10 feet.	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	Maximum of 3 signs permitted	Cumulatively, signs shall not exceed 200 square feet	Height of wall/ roof to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs. Such signs shall not be larger than 25% of the wall area to which the sign is attached.

SECTION 10. Section 419 “Drive-Thru and/or Fast-Food Restaurants” has been amended as follows:

- 419.1. Within the (C-1) Zone, drive-thru and/or fast food restaurants are permitted by special exception, subject to the following criteria:
- 419.2 Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- 419.3 All drive-thru window-lanes shall provide two hundred (200) feet of on-site stacking preceding the food order location; one hundred (100) feet must be separated from the parking lots interior drives.
- 419.4 Any exterior speaker/microphone and lighting systems shall be arranged and/or screened to avoid adverse impact to adjoining properties and uses;
- 419.5 All exterior seating/play areas shall be completely enclosed by a minimum three (3) foot high fence;
- 419.6 No part of the subject property shall be located within two hundred (200) feet of any land within the R-R, R-1, or R-2 Zones.
- 419.7 One (1) pre-menu board and one (1) menu board per lane. The pre-menu board is limited to fifteen (15) square feet in size.

SECTION 11. Section 701 “Procedures” has been amended as follows:

- 701.3 After review by the Planning Commission, the Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:
 - 1. Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the requirements for public notice. Abutting property owners shall be notified in writing. Additionally, like notice thereof shall be given to the applicant, the Zoning Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given. The Board of Supervisors shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Township, and said hearing shall be completed within one hundred (100) days after the completion of the applicant’s case, unless extended by written authorization from the applicant. The hearing may be conducted by the Board of Supervisors, a member of the Board of Supervisors, or an independent attorney appointed by the Board of Supervisors.

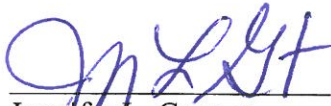
SECTION 12. This Ordinance shall not affect the remaining provisions of the Windsor Township Ordinance of 2013, which provisions remain in full force and effect.

SECTION 13. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

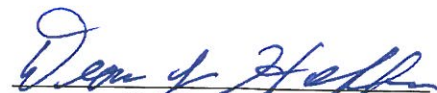
SECTION 14. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 20th day of July, 2020.

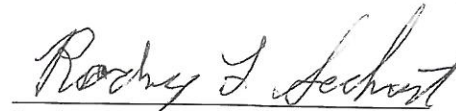
ATTEST :


Jennifer L. Gunnet

WINDSOR TOWNSHIP
BOARD OF SUPERVISORS


Dean L. Heffner, Chairperson


Katherine A. Kerchner, Vice Chairperson


Rodney L. Sechrist