

ZONING ORDINANCE OF WILMINGTON TOWNSHIP  
LAWRENCE COUNTY, PENNSYLVANIA  
ORDINANCE No. 105, 1987

PREPARED BY  
THE WILMINGTON TOWNSHIP PLANNING COMMISSION  
THE WILMINGTON TOWNSHIP BOARD OF SUPERVISORS  
WITH THE ASSISTANCE OF  
THE LAWRENCE COUNTY PLANNING COMMISSION

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ZONING ORDINANCE

TOWNSHIP OF WILMINGTON

ORDINANCE NO. 105

AN ORDINANCE ESTABLISHING COMPHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF WILMINGTON, LAWRENCE COUNTY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED AND FOR THE REPEAL OF ALL ORDINANCES RELATIVE TO ZONING (EXCEPT SECTION II OF THE WILMINGTON TOWNSHIP ZONING ORDINANCE OF 1973) HEREWITH.

ARTICLE I- DEFINITIONS

SECTION 100:

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

- The singular includes the plural.
- The word “person” includes a corporation as well as an individual.
- The word “lot” includes the word “plot” or “parcel”.
- The term “shall” is always mandatory.
- Words in the present tense shall include the future.
- The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended”, “arranged” or “designed to be used or occupied.”

100.1 Accessory Use: A use customarily incidental and subordinate to the principal use or building or structure and located on the same lot with such principal use or building but separate from the principal structure.

100.2 Agriculture: Any agricultural use including: farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry raising and care and forestry (including and harvesting of timber).

100.3 Applicant: A landowner or developer, as herewith defined, who has filed an application for development including his heirs, successors and assigns.

100.4 Application for Development: Every application, whether preliminary or final, required to be filed and approved prior to the 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.

100.5 Area: Area of lot or site shall be calculated from dimensions devised by horizontal projections of the site.

100.6 Area, Building: The total area taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces and steps.

100.7 Basement: A story having more than fifty (50) percent of its clear height below the grade of the surrounding ground.

100.8 Board: The Zoning Hearing Board of Wilmington Township, Lawrence County, Pennsylvania.

100.9 Boarding, Rooming, Tourist or Lodging House; Motels or Hotels: A building where lodging of transient guests is provided for compensations for three (3) or more persons.

100.10 Building: Any structure having a roof and intended for shelter, housing or enclosure of persons, animals or chattel.

100.11 Building, Accessory: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

100.12 Building, Front Line Of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and covered patios (whether enclosed or unenclosed) but does not include steps.

100.13 Building, Height: The vertical distance from the average elevation at grade level to the highest point of the roof.

100.14 Building Line: That line established by the required minimum setback from the street right-of-way for buildings and/or structures for the district involved. The building line shall be the point at which the lot width shall be measured.

100.15 Building Permit: A document issued by the zoning officer prior to the erection of any statue and issued after a zoning certificate.

100.16 Building Principal: A building in which is conducted the principal use of the lot on which it is located.

100.17 Cartway: That portion of a road which is paved, graded or improved for travel by vehicles.

100.18 Church or Synagogue: A place or religions instruction or worship.

100.19 Clinic: Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

100.20 Club: An establishment operated by an organization for social, recreational, educational or fraternal purposes, but open only to members and their guests and not to the general public.

100.21 Commission I or Planning Commission): The Wilmington Township Planning Commission of Lawrence County, Pennsylvania.

100.22 Conditional Use: A use which is subject to the conditional approval by the Wilmington Township Supervisors under the terms, procedures and conditions prescribed herein, after review and recommendations by the Township Planning Commission.

100.23 Coverage: The percentage of the lot area covered by the principal and accessory use structure.

100.24 Curb Level: The official established grade of the curb in front of the mid-point of the lot.

100.25 Density: The number of families housed in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the right-of-way of any road.

100.26 Dog Kennel: The keeping of more than three (3) dogs that are more than six (6) months old.

100.27 Dwelling: Any building designed or used as a permanent or temporary living quarters for one or more families.

100.28 Dwelling, Multiple: A building designed for or used as a residence by three (3) or more families living independently of each other and having its own cooking and sanitary facilities.

100.29 Dwelling, One-Family: A building designed for or occupied exclusively by one (1) family.

100.30 Dwelling, Two-Family: A building designed specifically for or occupied exclusively by two (2) families living independently of each other and of one-story or two-story design.

100.31 Dwelling, Unit: One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together and maintaining a common household, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

100.32 Essential Services: The erection, construction or the alteration or maintenance by public utilities, municipal or other government agencies or underground or overhead transmission or distribution systems including poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare, but not including buildings.

100.33 Family: A family is one or more persons related by blood, marriage, or adoption plus domestic servants occupying a dwelling unit, including not more than four (4) boarders, roomers or lodgers.

100.34 Farm: Any parcel of land containing at least ten (10) acres which are used for grain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels.

100.35 Floor Area of a Building: The sum or the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

100.36 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, bathrooms, closets, not unheated areas such as enclosed porches nor rooms without at least one 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. The minimum total window area, measured between stops, shall be ten (10) percent of the habitable floor area of such room.

100.37 Floor Area Ratio of a Building: The quotient of the sum of all the floor area of a building divided by its lot area.

100.38 Garage, Private: Accessory building or part of a principal building used for the storage of private motor vehicles and other personal effects of the occupant of the principal structure.

100.39 Home Occupation: An accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

100.40 Hospital: A place for the diagnosis, treatment or other cure of humans and having facilities for inpatient care including such establishments as sanatoriums, sanitariums and preventoriums.

100.41 Junk Vehicle (Valueless except for junk): A vehicle that is inoperable or unable to meet the vehicle requirements and inspection standards under Part IV, Section 4101 et. Seq. of the Pennsylvania Motor Vehicle Code.

100.42 Junk Yard: Any lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal or other scrap or discarded goods, materials, machinery; or two or more unregistered, inoperable motor vehicles or other types of junk.

100.43 Launderette: A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment or building.

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

100.45 Light Manufacturing: The processing or fabrication of materials and products which do not produce noise, vibration, air and water pollution, fire hazards or other disturbances or danger to neighboring properties.

100.46 Mobile Home: A transportable single family dwelling intended for permanent occupancy, offices or places of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towings, which arrives at a site complete except for minor incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

100.47 Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

100.48 Non-Conforming Use: A use, whether of land or of structure, manifestly not designed to comply with the applicable use provisions in this zoning ordinance or amendments hereafter enacted, where such structure lawfully exists prior to the enactment of this ordinance or any subsequent amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

100.49 Nursing or Convalescent Home: Any structure containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

100.50 Open Space: A space not occupied by a structure, open to the sky and in the same lot with the building or structure.

100.51 Parking Space: The area required for parking one automobile, which in this ordinance is held to be an area of not less than 180 square feet, nine (9) feet wide and twenty (20) feet long plus space for access and passageways.

100.52 Personal Services: Any enterprise providing services pertaining to the person, their apparel or personal effects commonly carried on or about the person including shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors and other related activities.

100.53 Permitted Use: Any use of land and/or structure(s) in a district which is in conformity with the provisions of this Ordinance.

100.54 Planning Code: The Pennsylvania Municipalities Planning Code Act of 247 of 1968, as amended.

100.55 Professional Offices: The use of offices and related spaces for such services as are provided in the commonly recognized professions of medicine, law, architecture, engineering and similar occupations.

100.56 Quarry, Sandpit, Topsoil Stripping: A lot or land, or part thereof, used for the purpose of extracting stone, sand, gravel, or topsoil for sale as an industrial operation and exclusive of the process of grading preparatory to the construction of a building for which application for a building permit has been made.

100.57 Recreational Vehicle: Any portable or mobile vehicle used or designed to be used for travel, recreation and/or living purposes and with its wheels, rollers or skids in place. A recreation vehicle shall include trailers, house trailers, campers, sleighs, golf carts, boats, boat trailers, airplanes or other similar vehicles providing partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom conveniences.

100.58 Recreational Vehicle Park: A tract of land where two (2) or more recreational vehicles are parked or which is used or held out for the purpose of supplying to the public a parking space for two (2) or more recreational vehicles.

100.59 Riding Academy: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

100.60 Road: The entire right-of-way of a public or private street or highway.

100.61 Scrap Yard: 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 collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

100.62 Screening: Screening relative to this Ordinance shall mean a fence, evergreen hedge, or wall at least six (6) feet high provided in such a way that it will block a line of sight. The screening may consist of either one or several rows of bushes or trees or of a constructed fence or wall.

100.63 Service Station, Automotive: A retail place of business engaged in the sale of motor fuels, but also supplying goods and services generally required in the operation and maintenance of automobile vehicles and fulfilling of motorists needs. These may include the sale of petroleum products; sales and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of automotive maintenance and repair; and the supplying of other incidental automotive customer services and products.

100.64 Sign: Any structure or device used to attract attention by work or graphic display.

100.65 Special Exception: A modification of the regulations of this Ordinance which the Board is permitted to authorize in specific instances listed in this Ordinance under the terms, procedures and conditions prescribed herein.

100.66 Stable: A building in which horses are kept for personal use, remuneration, hire or sale.

100.67 Structure: Anything constructed or erected the use of which requires a fixed location on the ground, or an attachment to something having a fixed location on the ground including, in addition to stadiums, platforms, radio towers, sheds, storage bins, fences, billboards, walks, drives and patios.

100.68 Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lines for the purpose, whether immediate or future, or lease; transfer of ownership of building or lot development. Provided, however, that the division of land for agricultural purposes is in parcels of more than ten (10) acres.

100.69 Supervisors: The Board of Township Supervisors of the Township of Wilmington, Lawrence County, Pennsylvania.



100.70 Truck Stop: A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

100.71 Truck Terminal: A facility to accommodate the service, repair and storage of trucks and other motorized equipment, and which may incidentally provide warehouse activities.

100.72 Variance: A departure from the strict letter of the zoning ordinance as it applies to specific properties as authorized by the Zoning Hearing Board in accordance with the Pennsylvania Municipalities Planning Code.

100.73 Yard: Any open space in the same lot with a building unoccupied and unobstructed from the ground up except for accessory buildings or such projections as expressly permitted by this Ordinance. The maximum depth or width of a yard shall consist of the horizontal distance between the lot line and road right-of-way line and the nearest point of the structure.

100.74 Yard, Front: An open space extending the full width of the lot between the building line and the road right-of-way line.

100.75 Yard, Rear: An open space extending the full width of the lot between the structure and the rear lot line.

100.76 Yard, Side: An open space extending from the front yard to the rear yard between a structure and the nearest side lot line.

100.77 Zoning Certificate: The written authorization issued by the Zoning Officer for the use of land, buildings or other structures.

100.78 Zoning Map: The map depicting the zoning districts of Wilmington Township together with all amendments subsequently adopted.

## ARTICLE II

### SECTION 200 AUTHORITY:

The Township Supervisors of the Township of Wilmington under authority granted by Articles VI through IX, inclusive of Act 247, "The Pennsylvania Municipalities Planning Code," and its subsequent amendments, do hereby ordain that for the purpose of promoting the public health, safety, morals and general welfare of the Township of Wilmington the following regulations shall be in full force and effect:

### SECTION 201 PURPOSE:

The following regulations shall be designed:

201.1 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, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as:

201.2 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 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 202 TITLE:

That this Ordinance shall be known as “The Wilmington Township Zoning Ordinance.”

SECTION 203 MUNICIPAL LIABILITY:

The granting of a Zoning Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure, use or other proposed plan from any cause whatsoever, and shall create no liability upon, or a course of action against such public official or employee for any damage that may result pursuant thereto.

SECTION 204 COMMUNITY DEVELOPMENT OBJECTIVES:

These include, but are not limited to, the following:

204.1 Achievement of the higher and best use of land.

204.2 Protection of transportation corridors.

204.3 The establishment of a realistic population density control.

- 204.4 To effectuate a logical road and street pattern designed to adequately serve business, industry and residence and, insofar as possible, maintain a separation necessary to protect the neighborhood environment.
- 204.5 To guide development with a view to providing adequate and economical community facilities and utilities.
- 204.6 To achieve adequate public protection.
- 204.7 To permit economical installation of sanitary sewers and treatment facilities.
- 204.8 To effectuate the future land use plan including the preservation of natural amenities and resources.
- 204.9 To ultimately eliminate polluting factors and pollutants from water and air.

SECTION 205 DESIGNATION OF ZONING DISTRICTS:

The Township is divided into the districts set forth by this Ordinance as shown by the district boundaries on the Zoning Map. The districts are:

205.1 Residential Districts: Districts designed for residential uses are for dwellings and uses normally associated with residential neighborhoods. The specific purpose for each of the residential districts is as follows:

205.1.1 R-1 Residential Urban District: These zones are for low density single-family residential uses and may include multi-family dwellings.

205.1.2 R-2 Residential Rural Districts: These districts are designed for medium to low density residential development generally rural areas where sewer water and facilities may be on-lot.

205.2 Commercial Districts: Commercial districts are designed to serve the various commercial uses within the Township to serve the various commercial uses within the Township. Such zones are for all retail establishments which normally occur within shopping centers and those uses found near high volume traffic corridors.

205.3 Industrial Districts: These are designed to allow the development of a mixture of industrial uses within the Township.

205.4 Agricultural Districts: The purpose of the Agricultural District is to identify those areas within the Township where agricultural activities should be encouraged and only a minimum of other land uses be permitted.

SECTION 206 DISTRICT BOUNDARIES:

206.1 The boundaries of said districts shall be as known upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

206.2 The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys and railroad rights-of-way, or such lines extended or parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.

206.3 Where a district boundary line divides a lot held in single and separate ownership of record at the time such district boundary line is adopted, the regulations for the less restricted portions of such lot may extend not more than one hundred (100) feet into the more restricted portion provided the lot has frontage on a street in the less restricted district and further provided that such extension does not extend the district boundary along any street or road.

SECTION 207 DISTRICT REGULATIONS:

207.1 \_Permitted uses, conditional uses and special exceptions for each district are listed in Articles III through VIII. Lot and yard dimensions and maximum height of a structure are also listed in Articles III through VII. Any use not expressly listed for a district is prohibited in that district. Conditional uses require approval of the Wilmington Township Supervisors after the review and

recommendations by the Planning Commission, whereas permitted uses require only normal application procedures. Special exceptions require the approval of the Zoning Hearing Board. Uses which are normal accessory to the declared uses are also permitted. Only one principal use per lot will be allowed.

ARTICLE III- R-1 RESIDENTIAL DISTRICT

SECTION 300

300.1 In R-1 Residential Districts the following uses are permitted:

- Single family detached dwellings
- Municipal buildings
- Farms
- Accessory uses
- Essential Services

300.2 In R-1 Residential Districts the following are conditional uses:

- Public and private schools (800.1)
- Parks and playgrounds (800.2)
- Golf courses (800.3)
- Two and multi-family dwellings (800.4)
- Cemeteries (800.5)
- Signs (800.6)
- Home occupations (800.7)

300.3 In R-1 Residential Districts the following are special exceptions:

- Churches (800.8)
- Libraries (800.8)
- Public utility structures (800.9)

SECTION 301 BUILDING HEIGHT LIMITS

301.1 No building shall be erected to a height in excess of thirty-five (35) feet.  
(See also Article IX, Section 902.)

SECTION 302 REQUIRED LOT AREA:

302.1 Minimum lot size shall be forty thousand (40,000) square feet and lot width of not less than one hundred fifty (150) feet measured at the building line, for all lots not served by public water and sanitary sewer systems.

302.2 Minimum lot size shall be twenty thousand (20,000) square feet and lot width of not less than one hundred (100) feet measured at the building line, for all lots served by public water and sanitary sewer systems.

SECTION 303 PERCENTAGE OF LOT COVERAGE:

303.1 All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

SECTION 304 YARD REQUIREMENT:

304.1 Front yard depth- fifty (50) feet (see also Article IX, Section 904.2, Section 910 and Section 917.)

304.2 Side yard- twenty (20) feet.

304.2 Rear yard depth- thirty (30) feet.

SECTION 305 OFF STREET PARKING: (See Article X).

SECTION 306 BUILDING AND/OR ZONING PERMIT: (See Article XII).

SECTION 307 SIGNS: (See Article XI).

SECTION 308 HIGHWAY ACCESS (Curb Cuts): (See Article IX, Section 915).

ARTICLE IV- R-2 RESIDENTIAL DISTRICT

SECTION 400:

400.1 In R-2 Residential Districts, the following uses are permitted:

- Single family detached dwellings
- Farms
- Municipal buildings
- Municipal parks
- Essential services
- Accessory uses

400.2 In R-2 Residential Districts the following are conditional uses:

- Two family dwellings (800.4)
- Multi family dwellings (800.4)
- Public and private schools (800.1)
- Parks and playgrounds (800.2)
- Golf courses (800.3)
- Cemeteries (800.5)
- Signs (800.6)
- Hospitals (800.10)
- Nursing homes (800.11)
- Funeral parlors (800.13)
- Home occupations (800.7)

400.3 In R-2 Residential Districts the following are special exceptions:

- Churches (800.8)
- Libraries (800.8)
- Public utility structures (800.9)

SECTION 401 BUILDING HEIGHT LIMITS

401.1 No building shall be erected in excess of thirty-five (35) feet. (See Article IX, Section 902.)

SECTION 402 REQUIRED LOT AREA:

402.1 All lots shall be not less than forty thousand (40,000) square feet and lot width of not less than one hundred fifty (150) feet measured at the building line.

402.2 The lot area when either or both water and sanitary sewers are not available shall be subject to all rules and regulations of the Pennsylvania Department of Environmental Resources (DER).



SECTION 403 PERCENTAGE OF LOT COVERAGE:

403.1 The total area of all buildings including accessory buildings shall not cover thirty (30) percent of the area of the lot.

SECTION 404 YARD REQUIREMENTS:

404.1 Front yard depth- fifty (50) feet (see Article IX, Section 904.2, Section 910, and Section 917).

404.2 Side yard width- twenty (20) feet each.

404.3 Rear yard depth- thirty (30) feet.

SECTION 405 OFF STREET PARKING: (See Article X).

SECTION 406 BUILDING AND ZONING PERMIT APPLICATION: (See Article XII).

SECTION 407 SIGNS: (See Article XI).

SECTION 408 HIGHWAY ACCESS (Curb Cuts): (See Article IX, Section 915).

ARTICLE V- C-COMMERCIAL DISTRICT

SECTION 500:

500.1 In C-Commercial Districts the following uses are permitted:

- Municipal buildings
- Libraries
- Accessory Uses
- Cemeteries
- Retail Stores
- Funeral parlors
- Dental labs
- Banks
- Music and art studios
- Communications Tower- 200'

500.2: In C-Commercial Districts the following are conditional uses:

- Office buildings (800.12)
- Indoor amusement clubs (800.35)
- Outdoor amusement clubs (800.23)
- Truck stop (800.24)
- Hospitals (800.10)
- Nursing homes (800.11)
- Theaters (800.28)
- Shopping centers (800.25)
- Restaurants (800.28)
- Garages, auto service stations, motor vehicle salesrooms (800.27)
- Bus stations, express offices & Parcel Post terminals (800.26)
- Hotels and motels (800.29)
- Clinics (800.30)
- Newspaper & Printing Plants (800.31)
- Signs (800.6)
- Multi-Family Dwellings

500.3: In C-Commercial Districts the following uses are special exceptions:

- Public utility structures (800.9)
- Car washes (800.32)
- Oil & gas drillings (800.21)
- Public parks & playgrounds (800.2)
- Communications Tower higher than 200'

SECTION 501 BUILDING HEIGHT LIMITS

501.1: No building shall be erected to a height in excess of thirty-five (35) feet.  
(See also Article IX, Section 902.)

SECTION 502 REQUIRED LOT AREA:

502.1 The lot area for commercial uses shall be not less than fifteen thousand (15,000) square feet and lot width of not less than one hundred (100) feet at the building line.

502.2 The lot area when either or both water and sanitary sewers are not available shall be subject to all rules and regulations of the Pennsylvania Department of Environmental Resources.

SECTION 503 PERCENTAGE OF LOT COVERAGE:

503.1 The principal and accessory buildings of any lot shall not cover more than thirty (30) percent of the area of such lot.

SECTION 504 YARD REQUIREMENTS:

504.1 Front yard depth- fifty (50) feet (see Article (X, Sections 904.2, 910 and 917).

504.2 Side yards- two, width ten (10) feet each, provided that when a mutual agreement is provided in writing by the adjoining property owners, no side yard shall be required where two or more commercial structures adjoin side to side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of a series of adjoining structures abutting and paralleling a public right-of-way, an open and unobstructed passage of at least twenty (20) feet in width be provided at grade level at intervals of not more than four hundred (400) feet.

504.3 Rear yard depth- fifty (50) feet. When the rear yard area abuts a public street or alley, the fifty (50) foot requirement may be lessened by special exception or conditional use authorized by the Zoning Hearing Board or the Board of Supervisors, but never to a width less than ten (10) feet. A rear yard reduction may be authorized only when the Zoning Hearing Board or Board of Supervisors makes the finding that no jeopardy shall be created or shall result to adjoining properties from such action.

504.4 Buffer yard- where a commercial use adjoins a residential district, a buffer yard shall be required in addition to the above yards. The buffer yard shall be a dimension not less than the minimum side yard required

for the residential district and shall be covered with a screen planting. (See Article IX, Section 916). The buffer yard shall be required irrespective of the presence or absence of a public right-of-way along the district boundary lines.)

SECTION 505 OFF STREET PARKING: See Article X).

SECTION 506 BUILDING & ZONING PERMITS: See Article XII).

SECTION 507 SIGNS: (See Article XI).

SECTION 508 HIGHWAY ACCESS (CURB CUTS): (See Article IX, Section 915).

ARTICLE VI- I-INDUSTRIAL DISTRICT

SECTION 600:

600.1: In I-Industrial Districts the following uses are permitted:

- Light industry
- Heavy industry
- Corporate offices
- Truck terminals
- Warehouses
- Contractor's yards
- Building supplies
- Research & testing labs
- Municipal buildings

600.2 : In I-Industrial Districts the following are conditional uses:

- Oil & fuel distribution & storage (800.33)
- Signs (800.6)
- Junk yards (800.36)
- Adult Book Stores

600.3: In I-Industrial Districts the following are special exceptions:

- Oil & gas drillings (800.21)
- Public utility structures (800.9)

SECTION 601 BUILDING HEIGHT LIMITS:

601.1 : No building shall be erected in excess of sixty-five (65) feet. (See Section 902).

SECTION 602 REQUIRED LOT AREA:

602.1 : All lots shall be not less than forty thousand (40,000) square feet and the lot width at the building line shall not be less than one hundred fifty (150) feet.

602.2 : The lot area when either or both water and sanitary sewers are not available shall be subject to all the rules and regulations of the Pennsylvania Department of Environmental Resources (DER).

SECTION 603 PERCENTAGE OF LOT COVERAGE:

603.1 : The principal and accessory buildings of any lot shall not cover more than thirty (30) percent of the lot area.

SECTION 604 YARD REQUIREMENTS:

604.1 Front yard depth- fifty (50) feet (see also Article IX, Sections 904.2, 910 and 917).

604.2 Side yard width- twenty (20) feet each.

604.3 Rear yard depth- fifty (50) feet.

604.4 When an industrial district abuts a residential district, a buffer yard shall be at least thirty (30) feet in width shall be required to include a screen planting as set forth in Article IX, Section 916).

604.5 When a street is the dividing line between a residential district and an industrial district, the buffer yard shall be at least twenty (20) feet in width to include a screen planting as set forth in Article IX, Section 916).

604.6 Buffer yard widths shall be required in addition to the required yard areas.

604.7 All buffer yards shall be covered with a vegetative material to include at least one row of trees planted not more than forty (40) feet on center in addition to the screen planting. The required yards may be used for off-street parking and service areas when such yards are adjacent to buffer yards. When the side yards are adjacent to commercial, industrial and other districts not requiring a buffer yard, at least ten (10) feet of the required yards shall be maintained in a vegetative material to include a row of trees planted at intervals not to exceed forty (40) feet on center. The ten (10) foot area to be planted shall, in every instance, be that area immediately adjacent to neighboring districts. The remaining yard area may be used for parking and service purposes. Access streets and drives may cross all required yards and buffer yards provided they cross reasonably close to a 90 degree angle. An angle less than 70 degrees shall be permitted at any event.

SECTION 605 OFF-STREET PARKING: (See Article X).

SECTION 606 BUILDING & ZONING PERMITS: (See Article XII).

SECTION 607 SIGNS: (See Article XI).

SECTION 608 HIGHWAY ACCESS (CURB CUTS): (See Article IX, Section 915).

ARTICLE VII- A-AGRICULTURAL DISTRICT

SECTION 700:

700.1: In A-Agricultural Districts the following are permitted uses:

- Agricultural uses
- Single-family dwellings
- Municipal buildings
- Accessory uses
- Essential services

700.2: In A-Agricultural Districts the following are conditional uses:

- Riding academies (800.15)
- Roadside stands (800.16)
- Signs (800.6)
- Removal of dirt, topsoil & gravel (800.17)
- Double & multiple family dwellings (800.4)
- Country Clubs (800.20)
- Golf Courses (800.3)
- Churches (800.8)
- Veterinary offices & kennels (800.18)
- Schools & colleges (800.19)
- Home occupations (800.7)
- Mobile home parks (800.34)

700.3 In A-Agricultural Districts the following are special exceptions:

- Public parks & playgrounds (800.2)
- Oil & gas drillings (800.21)
- Funeral parlors (800.13)
- Strip mining for minerals (800.22)
- Cemeteries, crematoriums & mausoleums (800.5)

SECTION 701 BUILDING HEIGHT LIMITS:

701.1 No building shall be erected in excess of thirty-five (35) feet (See Article IX, Section 902).

SECTION 702 REQUIRED LOT AREA:

702.1 All lots shall not be less than forty thousand (40,000) square feet and lot widths not less than one hundred fifty (150) measured at the building line.

702.2 The lot area when either or both water and sanitary sewers are not available shall be subject to all rules and regulations of the Pennsylvania Department of Environmental Resources.

SECTION 703 PERCENTAGE OF LOT COVERAGE:

703.1 The total area of all buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

SECTION 704 YARD REQUIREMENTS:

704.1 Front yard depth- fifty (50) feet (see also Article IX, Sections 904.2, 910 and 917).

SECTION 705 OFF-STREET PARKING: (See Article X).

SECTION 706 BULDING AND/OR ZONING PERMITS: (See Article XII).

SECTION 707 SIGNS: (See Article XI).

SECTION 708 HIGHWAY ACCESS (CURB CUTS): (See Article IX, Section 915).



ARTICLE VIII- CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 800 GUIDELINES & CRITERIA FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS

Conditional uses may be granted or denied by the Board of Township Supervisors after a review by and recommendations from the Wilmington Township Planning Commission. In addition to determining the compliance of the proposed conditional uses with the expressed standards and criteria as set forth in this Ordinance, the Supervisors may also set for reasonable conditions for approval which they feel are necessary to preserve and protect the neighborhood. Special exceptions may be granted by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and protect the neighborhood.

In addition to the specific criteria that must be considered by the Township Supervisors in granting conditional uses, and by the Zoning Hearing Board in granting special exceptions, these bodies are charged with considering the effect such proposed uses will have upon the immediate neighborhood. The preservation of integrity of existing development in neighborhoods must be carefully weighed and given either a conditional use or special exception.

800.1 Public and Private Schools:

800.1.1 \_\_\_\_\_ Such uses must provide adequate off-street parking and loading areas. Further vehicular ingress and egress to such areas shall be reviewed to determine the effect on traffic safety and circulation.

800.1.2 \_\_\_\_\_ All parking, outdoor recreation or playground facilities shall be effectively screened from abutting residential properties.

800.2 Parks and Playgrounds:

800.2.1 \_\_\_\_\_ All parks and playgrounds shall provide screening where the same abut residential properties.

800.3 Golf Courses: Golf Courses shall:

800.3.1 \_\_\_\_\_ Provide for sufficient parking for its patrons of four (4) spaces per hole plus one (1) space for each staff member. In addition, if eating and drinking facilities are provided for on the premises, the parking requirements contained in Section 1001.1 (No. 24) pertaining to restaurants shall apply. One loading/unloading space per the requirements of Section 1005.1 shall also be required. Screening requirements in regard to parking areas shall be strictly observed.

800.3.2 Any clubhouse shall be located at least one hundred (100) feet from the nearest property line. If a clubhouse is within one hundred fifty (150) feet of an abutting property line, then it shall provide suitable screening as defined in this Ordinance.

800.4 Two-Family Dwellings- Family & Elderly:

(Multi-Family Dwellings)

800.4.1: Residence densities shall not exceed four (4) families per acre. Only two-story structures are permitted and they shall not exceed thirty-five (35) feet.

800.4.2: Minimum front yard- fifty (50) feet.

800.4.3: Minimum side yard- fifteen (15) feet.

800.4.4: Minimum rear yard- fifty (50) feet.

800.4.5: Maximum structure height- thirty-five (35) feet.

800.4.6: Maximum coverage of lot- thirty-five (35) percent.

800.4.7: All multi-family dwellings shall provide for the off-street parking facilities as required by this Ordinance. However, in no event shall the required front yard be used for vehicular parking.

800.4.8: Elderly Housing: Multi-family units designed for the elderly must supply adequate proof that they will permanently be devoted to such use. The parking requirements for such units may be reduced to one-half the spaces normally required for multi-family uses.

Two-Family Dwellings

800.4.9: Parking for two-family dwellings may be in garages, parking areas or driveways but may not intrude upon the lawn area in front of the dwelling.

800.4.10: Minimum square feet for two-family dwellings is forty thousand (40,000) square feet in area not served by water and sewer.

800.4.11: Minimum lot width for two-family dwelling is two-hundred (200) feet at building line.

800.4.12: Side yard requirements for two-family dwelling is twenty-five (25) feet.

- 800.4.13: Minimum front and rear yard for two-family dwelling is fifty (50) feet.
- 800.4.14: Maximum lot coverage is thirty-five (35) percent. All lots must be of sufficient size for such facilities as certified in writing by the Township sewage enforcement officer.
- 800.4.15: For two and multi-family dwellings see also Section 1001.1 and #3 and #4 under Required Parking Spaces.
- 800.4.16: Maximum height of two-family dwellings is thirty-five (35) feet.

800.5 Cemeteries, Crematoriums & Mausoleums:

- 800.5.1 All cemeteries must be at least ten (10) acres in size.
- 800.5.2 A drainage plan shall be submitted for all new cemeteries showing existing and proposed runoff characteristics.
- 800.5.3 Ingress and egress points to cemeteries shall be reviewed with local police officials for public safety purposes.

800.6 Signs: (See Article XI)

800.7 Home Occupations: Home occupations are potential intrusions upon residential areas and as such are to be reviewed closely. They must:

- 800.7.1: Provide adequate off-street parking. If a specific use is not noted in Section 1001.1, the Supervisors shall use similar activities as a guide to set forth parking requirements.
- 800.7.2: No more than one employee other than members of the family living at home shall participate or work at the home occupation.
- 800.7.3: The nature of the home occupation shall not change the outward characteristics of the home as a residential unit. Home occupations which cause undue noise, traffic or other intrusions shall be denied.
- 800.7.4: There shall be no exterior display or sign other than that permitted by Article XI of this Ordinance.

800.7.5: Home occupations may include, but are not limited to, art studios: music studios limited to one (1) student at a time: dressmakers; professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices; insurance offices; barber shops or beauty shops. Home occupations shall specifically exclude: kennels, veterinary offices, stables, restaurants and automotive repair services.

## 800.8 Churches and Libraries

800.8.1 All new churches and libraries shall provide parking/loading spaces as required by this Ordinance. In addition, the Supervisors shall consult with police and fire officials to ascertain the effect proposed traffic will have.

800.9 Public Utility Structures: Public utility buildings shall be allowed but shall be required to provide reasonable yard space and shall be suitably landscaped. In the interest of such public safety, height limitations for fences surrounding such installations are hereby waived.

800.10 Hospitals: Because of the intensive use of such facilities, careful attention will be given to any application for a hospital. Of special interest is the effect such a use has upon surrounding properties. Proposed hospitals will be required to submit a schematic site plan so this relationship and the following items will be ascertained.

800.10.1 Circulation: A parking and circulation plan shall be presented by the applicant. This plan shall show staff parking, visitor parking, and emergency entrance and exits. Such plan shall be referred to the Township Police and volunteer fire companies for their comments. The parking and circulation plan shall be reviewed for traffic safety as well as its effect on nearby property.

800.10.2 Lot: Minimum lot size of any hospital shall be at least two (2) acres.

800.10.3 Height, Coverage & Yard Spaces: Required yard spaces for a hospital shall be: front and rear yards- sixty-five (65) feet; side yards- thirty (30) feet each. The height of structure shall not exceed fifty (50) feet. Lot coverage will not exceed thirty-five (35) percent.

800.10.4 Utilities: All hospitals must be connected to public sewer and water facilities. Water pressure and volume shall be adequate for fire protection.

800.10.5 Screening: Screening shall be required along all property lines which abut residential uses or districts.

800.10.6 Heliports: Shall meet all F.C.C. regulations and be located at least one hundred (100) feet from the nearest property line or public road.

800.11 Nursing Homes:

800.11.1 Screening: Along each lot line which abuts a residential use or district, screening shall be installed.

800.11.2 Circulation/Parking: A plan for circulation and parking shall be submitted to ascertain the relationship of said facilities with the local road system and adjacent properties. Said plan shall be referred to the Township police and volunteer fire department for their comments.

800.11.3 Yard Spaces: Regardless of any other section of this Ordinance, no yard space shall be less than thirty (30) feet.

800.11.4 Public Utilities: All nursing homes must be connected to public sewer and water facilities. Water volume and pressure shall be adequate for fire protection.

800.12 Office Buildings:

800.12.1 Yards: Front yard shall be fifty (50) feet; rear yard shall be fifty (50) feet; and side yard shall be twenty-five (25) feet. These required yards shall be planted and maintained with a vegetative material.

800.12.2 Coverage: The coverage shall not exceed thirty-five (35) percent of the lot area.

800.12.3 Height: Maximum height of any office structure shall not exceed thirty-five (35) feet. Article IX, Section 902 shall not apply.

800.12.4 If the lot adjoins a residential district at the side or rear, the required yard area adjacent to the residential district shall be increased by one (1) foot for each foot of building height in excess of thirty-five (35) feet.

800.12.5 Off-Street Parking, Loading & Unloading: Off-street parking shall be provided in accordance with Article X.

800.12.6 Signs: Signs shall be in accordance with Article XI.

800.12.7 Highway Access (Curb Cuts): See Article IX, Section 915.

800.13 Funeral Parlors:

800.13.1 Provide adequate parking- twenty-five (25) spaces for first parlor; ten (10) spaces for each additional parlor.

800.13.2 Signs must be constructed of a durable material maintained in good condition and not allowed to become dilapidated.

800.13.3 No sign shall be placed in such a position that it will cause damage to traffic on a street by obscuring or obstructing the view.

800.14 Radio & TV Sending & Receiving Station:

800.14.1 Such uses shall have a minimum lot area of two (2) acres and shall adhere to all setback and yard requirements.

800.14.2 Any towers shall be so constructed as to pose no threat to an existing airport and conform to any appropriate state or federal regulations governing such towers.

800.14.3 Screening and fencing shall be provided along any property line which abuts a residential property.

800.14.4 Land buffer must be same height as tower.

800.14.5 In residential districts, no public facilities or housing of repair crews will be permitted.

800.15 Riding Academies:

800.15.1 Riding academies and/or stables shall be at least five hundred (500) feet from the nearest residential use.

800.16 Roadside Stand:

800.16.1 Roadside stands must offer for sale only agricultural products grown on the premises.

800.16.2 Roadside stands shall be removed during any season or period when they are not being used.

800.17 Removal of Dirt, Topsoil and Gravel:

800.17.1 Removal shall be limited to areas not less than two hundred (200) feet from street or highway right-of-way lines and not less than fifty (50) feet from property lines, providing that any building housing power driven or power production machinery or equipment shall be located at least four hundred (400) feet from any other lot in any "R" district.

800.18 Veterinary Offices and Kennels:

800.18.1 Such uses shall be located at least one hundred (100) feet from any neighboring property line.

800.18.2 Outdoor runs and facilities shall be constructed for easy cleaning and shall be adequately screened.

800.19 Schools and Colleges:

800.19.1 Such uses must provide adequate off-street parking and loading areas. Further, the vehicular ingress and egress to such areas shall be reviewed to determine the effect on traffic safety and circulation.

800.19.2 All parking, outdoor recreation or playground activity shall be effectively screened from abutting residential properties.

800.20 Clubs: Social, fraternal or service clubs must:

800.20.1 Provide for adequate off-street parking/loading facilities adequately screened from abutting residential uses.

800.20.2 Have at least two (2) acres of land.

800.20.3 Provide a front yard setback of fifty (50) feet and side yards of at least thirty (30) feet.

800.20.4 Any recreational facility constructed or maintained in conjunction with a club shall provide screening along adjacent property lines.

800.21 Oil and Gas Drillings: Oil and gas drillings shall be permitted as a special exception in certain zones within Wilmington Township. In addition to the regulations contained herein, all oil and gas drillings shall adhere to all the laws and regulations of the Commonwealth of Pennsylvania. Continued adherence to same shall be required. In the event the operator of the oil and gas drilling operation is in violation of this Ordinance or of the regulations or the laws of the Commonwealth of Pennsylvania, any permit issued under this Ordinance shall be considered null and void and said operator shall be regarded in violation of these regulations.

800.21.1 Setbacks: No operation shall be conducted closer than one hundred (100) feet to any adjacent property line nor a public road. No operation shall be conducted closer than two hundred (200) feet to an existing dwelling, school, hospital or similar residential use or to any water source for such uses.

800.21.2 The following shall be required prior to the approval of a special exception:

- A. A copy of the permit from the Department of Environmental Resources (DER) for the operation of oil/gas drilling operations. In addition, the copy of the well location map and the notice of the proposed or existing location form as required by DER shall be furnished.

- B. A performance and/or maintenance guarantee which the Zoning Hearing Board may require prior to permit issuance. The performance guarantee shall include at a minimum, but not limited to, a provision for adequate protection from any adverse conditions which may result from the production of salt brine. The purpose of the maintenance guarantee shall be to provide for property damage. The amount of the performance and maintenance guarantee shall be established by the Supervisors by resolution.

800.21.3: The amount of guarantee may be reduced by the Board of Township Supervisors when the wells have been drilled in accordance with the regulations of the DER permit and any other conditions that have been laid down by the Board of Township Supervisors have been met and when any field is in production.

800.21.4: The amount of the maintenance guarantee may be reduced by the Board of Township Supervisors when the wells under the permit have been plugged in accordance with the Department of Environmental Resources (DER) regulations.

800.22 Strip Mining (Mineral Extractions):

800.22.1 Strip mining will be permitted in the Agriculture District when authorized as a special exception to this Ordinance by the Zoning Hearing Board and after a public hearing thereon; duly advertised as provided by law, and requested by the owner of the land under question for a designated coal stripper or coal stripping company.

800.22.2 Upon approval and issuance of a permit for a coal stripping operation, the following controls shall be strictly enforced and adhered to and shall be in addition to applicable controls established by the Commonwealth of Pennsylvania.

800.22.3 The designated coal stripper shall begin operations within a sixty (60) day period from the date of issuance of the permit, or the permit shall be revoked at the expiration of said period.

800.22.4 The designated coal stripper shall complete operations within a designated period of time, to be determined by the Township Supervisors upon due consideration as to the extent of the permitted operation. Upon expiration of the period of time as set herein by the Township Supervisors, the coal stripper must cease operations and commence backfilling and scar removal as hereinafter provided. The coal stripper may present to the Supervisors a request for an extension of time setting forth his reason for such a request. The Supervisors may grant an extension



of time provided, in their opinion, the coal stripper was held back in his operation through unforeseen circumstances deemed to be no fault of his own. However, should an extension of time be refused by the Supervisors then the coal stripper must cease operations as hereinafter stated. Failure of the coal stripper to cease operations shall constitute a violation of this Ordinance and each and every day that he continues operation after he said expiration shall constitute a separate offense punishable by a fine of \$150 a day.

800.22.5: Prior to stripping operations, the designated coal stripper shall deposit a bond issued by a reputable bonding company in the amount of \$5,000 payable to the Township Supervisors for each and every acre of ground proposed to be stripped during the first twelve (12) month period starting with the issuance date of the stripping permit. Said bond may be continued and be used for additional acreage to be stripped during the next and succeeding periods of time, provided that all backfilling be completed for the area bonded before a transfer or continuation of bond be permitted. Said bond shall be returned to the coal stripper upon completion of the backfilling operation as herein after provided. Failure to complete backfilling as required by this Ordinance shall be deemed just cause for forfeiture of the bond and the backfilling shall be completed by the company that issued the bonds in accordance with this Ordinance.

800.22.6 Backfilling: The operation of backfilling after all surface excavation is completed shall be done so as to achieve the following:

- Recreate the original contour as nearly as possible so that no visible difference in grade will be apparent between the backfilled area and the adjoining land.
- The entire area disturbed by the stripping and backfilling operation shall be planted in such a manner as to control soil erosion. This planting shall be in accordance with the desires of the property owner and subject to the approval of the Township Supervisors.
- Backfilling operations shall commence within ten (10) days after the expiration date of the permit for a stripping operation (See Section 800.22.4), and shall be a continuous operation until completed. Final approval shall be by the Township Supervisors.

800.23 Outdoor Amusement: Outdoor amusement facilities shall adhere to the following criteria:

800.23.1 All lighting shall be arranged so that glare is directed away from neighboring roads and properties.

800.23.2 Screening: Screening and fencing shall be provided along any property line which abuts a residential property.

800.23.3 Noise: Outdoor speakers shall be prohibited.

800.23.4 Hours of Operation: The hours of operation shall reflect a reasonable relationship to that of surrounding properties.

800.24 Truck Stops: Truck stops are facilities for over-the-road trucks attracting heavy volumes of such vehicles. Such facilities include:

800.24.1 Lot Size: Have a lot size of at least two (2) acres.

800.24.2 Screening: Provide screening along all property lines which abut residential uses or districts.

800.24.3 Access: Truck stops must front on State Legislative Routes. A copy of the approved driveway permit must be filed with the Township.

800.24.4 Fire Safety: All underground fuel storage tanks shall be in full conformance with all State regulations. A copy of the approved permits and a plan showing the exact location of such tanks, piping and appurtenances shall be filed with the Township.

800.25 Shopping Centers:

800.25.1 All shopping centers shall provide screening where the same abuts residential properties.

800.25.2 Ingress and egress points to shopping centers shall be reviewed with local police officials for public safety purposes.

800.25.3 Article XI, Sign Requirements, shall apply.

800.25.4 Article X, Off Street Parking and Unloading Regulations, shall apply. Additionally, a plan for circulation and parking shall be submitted to ascertain the relationship of said facilities with the local road system and adjacent properties. Said plan shall be referred to the State Police and volunteer fire department for their comments.

800.26 Bus Stations, Express Offices, Parcel Post Terminals:

800.26.1 Adequate parking and unloading areas shall be provided per Article X.

800.26.2 Where the parking and/or loading areas abut residential properties, screening shall be provided.

800.26.3 Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility.

800.27 Garages, Auto Service Stations & Motor Vehicle Salesrooms:

- 800.27.1 Special Attention shall be paid to fire safety and the effect such a facility will have on traffic.
- 800.27.2 Driveways to and from the facilities shall be well defined and shall be at least twelve (12) feet wide, but not more than twenty-four (24) feet wide. The driveway shall be separated by a distance of at least eighteen (18) feet.
- 800.27.3 No area on the public sidewalk or right-of-way shall be used, or designed to be used, for the storage or parking of motor vehicles or equipment.
- 800.27.4 In the interest of public safety, no gasoline service stations shall be located closer than five hundred (500) feet to a school, hospital, church or place of public assembly.
- 800.27.5 All property lines which abut residential areas shall be required to provide adequate screening.
- 800.27.6 No repair work requiring motor overhaul (other than spark plug replacement), transmission repair, differential repair, brake bands and shoes and similar services is to be performed out of doors.
- 800.27.7 Pumps, lubricating or other fuel dispensing devices are located at least fifteen (15) feet from any street or lot line underground.
- 800.27.8 All fuel, oil or similar substances are stored at least twenty-five (25) feet distance from any street or lot line underground.
- 800.27.9 All automobile parts, dismantled vehicles and similar articles are stored within a building.
- 800.27.10 No signs shall be placed along a highway that will obstruct the vision of persons entering or leaving a place of business.

800.28 Restaurants and Theaters:

- 800.28.1 Adequate off-street parking shall be provided.
- 800.28.2 Where parking and/or loading areas abut residential properties, screening shall be provided.
- 800.28.3 Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility.

800.29 Hotels and Motels:

800.29.1 Provisions for adequate parking and loading shall be addressed and adequately screened from abutting residential uses.

800.29.2 Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility.

800.30 Clinics:

800.30.1 Parking and loading areas shall adhere to guidelines identified in Article X of this Ordinance.

800.30.2 Where parking and/or loading areas abut residential areas, adequate screening shall be provided.

800.30.3 Emergency egress and ingress lanes shall be located in coordination with the Board of Supervisors and the local police department.

800.31 Newspaper and Printing Plants:

800.31.1 Adequate parking and/or loading areas shall be provided per Article X.

800.31.2 Where the parking and/or loading areas abut residential properties, screening shall be provided.

800.31.3 Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility.

800.32 Car Washes:

800.32.1 The entrance to the car wash shall be designed as to permit a waiting line of at least ten (10) cars. In no event shall any cars be permitted to use the public right-of-way while waiting to use the wash facility.

800.32.2 All such facilities shall be connected to public sewers where available.

800.33 Oil and Fuel Storage:

800.33.1 All operations must be conducted no closer than one thousand (1,000) feet to an existing dwelling, school, hospital or similar residential use.

800.33.2 Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility

800.33.3 Fences shall be installed around such facilities.

800.34 Mobile Home Parks: Mobile home parks shall meet the following requirements:

800.34.1 Size: All mobile home parks must have a maximum size of ten (10) acres in a contiguous parcel(s).

800.34.2 Yard Spaces: All mobile home parks shall have a front and rear yards of fifty (50) feet and side yards of thirty (30) feet.

800.34.3 Individual Mobile Home Lot: Each individual mobile home lot within the park shall have an area of fifteen thousand (15,000) square feet with a minimum lot width of one hundred (100) feet.

800.34.4 Interior Yard Spaces: There shall be a distance of at least twenty-five (25) feet between interior access roads and individual mobile homes; between parallel ends or sides of mobile home, the distance shall be thirty (30) feet between any mobile home and any building excluding those accessory buildings intended for the use of the individual mobile home occupant(s).

800.34.5 Water and Sewer: All mobile home parks must present proof of State and/or Federal approval (as appropriate) of the sewage disposal and the water supply systems.

800.34.6 Support and Anchoring: Individual mobile homes shall be placed upon suitable supports to insure the unit will remain level and free from structural damage. Also, each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces.

Such anchoring shall be equivalent to or exceed NFPA Standards No. 501A-1974 (ANSI A119.3-1975).

800.34.7 Parking Spaces: Parking spaces shall be two (2) spaces per unit.

800.35 Indoor Amusement Clubs: Indoor amusement clubs shall be retained in the Ordinance as a conditional use. These conditions will be as follows:

800.35.1 They shall meet all State laws concerting labor and industry and fire and safety.

800.35.2 Adequate parking shall be provided.

800.35.3 Screening and fencing shall be provided along any property.

800.36 Junkyards: Junkyards, salvage yards and similar enterprises shall adhere to the following regulations:

800.36.1 Size: Such uses shall be at least four (4) acres.

800.36.2 Screening: Such uses shall be screened on all sides. Said screening shall be set back to required yard spaces and set backs.

800.36.3 No storage of junk material or salvage shall be allowed outside of screened area.

800.36.4 All such uses shall adhere to all Township rules and ordinances and shall provide evidence of same prior to issuance of permits/certificates required by this Ordinance.

ARTICLE IX- SUPPLEMENTARY REGULATIONS

SECTION 900 NON-CONFORMING USES:

The following provisions shall apply to all non-conforming uses and structures. It is the intention of Wilmington Township that all legal nonconforming uses and structures shall be able to continue. However, all changes in such uses shall only be the legally permitted uses.

- 900.1: Any non-conforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.
  
- 900.2: Any non-conforming building which has been damaged or destroyed by fire or other means may be reconstructed and used as before it such reconstructing is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet minimum yard requirements of the district in which the structure is located, and it must meet the off-street parking and loading requirements of this Ordinance. Non-conforming signs shall not be replaced.
  
- 900.3: In the event that any non-conforming use, conducted in a structure or otherwise, ceases for whatever reason for a period of one (1) year, such non-conforming use shall be in conformity with the provisions of this Ordinance.
  
- 900.4: The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may, with the approval of the Board, be extended, enlarged or replaced but must meet the minimum yard requirements and height regulations of the district in which the structure is located and must meet off-street parking and loading requirements of this Ordinance.
  
- 900.5: Use Changes: If no exterior structural alternations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
  
- 900.6: Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any part thereof for which official approval and required permits have been granted and where construction is completed within one (1) year from the day of issuance of the permit.

900.7: Any structure, or portion thereof, declared unsafe by a proper authority shall be restored to a safe condition.

900.8: Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

900.9: Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall apply to any uses which thereby becoming non-conforming.

900.10: The non-conforming controls, as set forth herein, shall not apply to agricultural structures when such structures are part of an active agriculture program. An active farm group situated, through action of the Township Supervisors in enacting this Ordinance, in a zone where agricultural uses become non-conforming is exempt. It is not the intent of this Ordinance to hamper continued agricultural activities. However, should the agricultural use be abandoned thereafter, agricultural buildings damaged or destroyed in any manner shall be subject to the non-conforming rules and regulations.

900.11: Building Permits for Non-Conforming Uses: In a case where a building permit has been issued prior to the effective date of this Ordinance and the proposed use of land or building does not conform with this Ordinance, said proposed use shall be regulated by the non-conforming use if construction other than excavation and foundations is undertaken within a period thirty (30) calendar days after the issuance date of said building permit, and construction thereof is completed within twelve (12) calendar months from the issuance date of the building permit.

900.12: A certificate of non-conformance shall be issued by the Zoning Officer for all structures existing at the effective date of this Ordinance in conflict with the use designated for the zone in which they are situated, when requested by the owner of such structure.

900.13: Continuation: Any lawful use of a structure or land existing at the effective date of this Ordinance may be continued, although such a use does not conform to any provisions of this Ordinance. Such uses may be sold or otherwise transferred to other owners and continued as non-conforming uses.



SECTION 901 PERFORMANCE STANDARDS:

No use of land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or person in the Township. Furthermore, every use of land or structure in any district must observe the following performance standards:

901.1: Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

901.2: Electrical Disturbances: No activity shall cause electrical disturbances adversely affecting radio or other equipment in the neighboring area.

901.3: Noise: Noise which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

901.4 Smoke: The maximum amount of smoke emission permitted shall be determined by use of the Standard Ringleman Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

901.5 Odors: In any district except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.

901.6 Air Pollution: No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

901.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

901.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

901.9 Water Pollution: The method for discharging wastes to public sewers, drains, or watercourses shall be acceptable under the provisions of the Pennsylvania Sewage Facilities Act, Act 537 of 1968, as same may be amended from time to time and to all applicable Township Ordinances.

In cases involving performance standards, the Township or Board, as the case may be, may require a plan for the proposed construction or development, a description of the machinery proposed and specifications for the mechanisms and techniques to be used. Qualified expert consultants may be required to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

SECTION 902 HEIGHT EXCEPTIONS:

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, agricultural silos, similar features or necessary mechanical or ornamental appurtenances usually carried above roof level.

SECTION 903 LOT AREA AND DIMENSIONS:

903.1: In a case where a lot is not connect to the public water and sanitary sewer system of the Township or such other water and sewer system that may exist and be approved by the Township Supervisors, the lot area per family shall be not less than forty thousand (40,000) square feet and in all such cases the lot area shall be sufficient size to provide open area for the installation of a septic tank and the necessary field drain tile of a size, length and in a manner specified by the Township Supervisors and approved by the Pennsylvania Department of Environmental Resources.

903.2: No lot area shall be so reduced that the area of the lot of the dimensions of the open spaces shall be small than herein prescribed.

903.3: In case of a lot held in single and separate ownership at the effective date of this Ordinance which does not fulfill the requirements for the minimum area for the district in which it is located, a building may be erected or altered thereon when authorized by an appeal to the Zoning Hearing Board.

903.4: Lot of Record: In the case of a lot held in single and separate ownership at the effective date of this Ordinance which because of unusual conditions of depth or width, has difficulty in providing the required open spaces of the district in which it is located, the required open spaces may be decreased when authorized by the Zoning Hearing Board.

903.5: For lots served by Public Water and Sanitary Sewer Systems -the minimum lot area shall be twenty thousand (20,000) square feet.

SECTION 904 FRONT YARD

904.1 Setback: (See yard requirements Section 304.1, 404.1, 504.1, 604.1 and 704.1).

904.2 Exceptions:

904.2.1 When the setback of existing buildings is greater than the minimum provided, the required setback of building hereafter erected shall be the same as or greater than the setback of existing buildings in the same block on the same side of the erect when authorized by an appeal to the Zoning Hearing Board.

904.2.2 The front yard of a proposed building may be decreased in depth to the average formed by the alignment of existing buildings within one hundred (100) feet on each side of the proposed building and within the same block if the proposed building is less than the front yard requirements for the district when authorized in an appeal to the Zoning Hearing Board.

SECTION 905 ACCESSORY BUILDINGS:

905.1: An accessory building may be erected within a rear yard provided that:

905.1.1: It shall be at least ten (10) feet from the rear property line.

905.1.2: It shall be at least ten (10) feet from the nearest wall of the main building; or this may be reduced to five (5) feet if no windows or other openings are involved; or the accessory building may be integrated with the main building by contiguous walls, a breezeway or other connection.

905.1.3: It shall be at least ten (10) feet from a septic tank and/or leaching field.

SECTION 906 PROJECTIONS:

No principal building and no part of a principal building shall be erected within, or shall project into, the front, side or rear yard of a lot except cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, and steps projecting not more than thirty-six (36) inches.

SECTION 907 VISION OBSTRUCTIONS:

No walk, 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 on a street or public road or obscuring the view.

SECTION 908 FENCES AND WALLS:

No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) over six (6) feet in height shall be erected within any of the open spaces required by this Ordinance in residential districts unless that portion of the fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent or more of the area of said portion of the fence or wall. Fences in front yard areas shall not exceed three (3) feet in height, and they shall be faced or finished in the same manner on both sides. A permit shall be required for all fences.

SECTION 909 ACCESS TO LOTS:

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least twelve (12) feet wide and shall extend from the dwelling to a public street or highway or to a private street or highway having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purpose of this section, any alley shall not constitute a public street or highway.

SECTION 910 CORNER LOTS:

In the case of a corner lot, the front yard on the long dimension may be reduced by an amount not to exceed thirty (30) percent of the required front yard depth for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.

SECTION 911 COURTS:

911.1: Where a court is provided for the purpose of furnishing adequate light and air, or where a court is otherwise provided, such court shall conform to the following requirements:

911.1.1: An open space in the form of an inner court or other court shall be provided in connection with any building in any residence or business district, wherein 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 in such court.

911.2: Outer Court:

911.2.1: The width of any outer court upon which windows from a living room, bedroom or dining room open shall not be less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 ½) times the width.

911.2.2: The width of any outer court shall be not less than two-thirds (2/3) of the height of any opposing wall forming said court and the depth shall not be greater than one and one-half (1 ½) times the width.

911.3 Inner Court:

911.3.1 The least dimensions 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.

911.3.2 An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageway shall have a cross section area and sufficient headroom to permit the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

911.4: Any proposed building that will include approved air conditioning and artificial lighting may be erected irrespective of the provisions of courts as above.

SECTION 912 HABITABLE FLOOR AREA:

The minimum habitable floor area of a single-family detached dwelling hereafter erected shall be nine hundred (900) square feet. In the case of apartment houses the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one person, shall contain not less than one hundred fifty (150) square feet of habitable floor area.

SECTION 913 DRAINAGE REGULATIONS:

913.1: In all districts, no permanent structure shall be permitted within fifteen (15) feet of the edge of any stream or existing natural discharge channel or such additional space as may be required by the Zoning Hearing Board because of existing conditions.

913.2: If normal agricultural operations require a fence to cross a stream or drainage channel, such fence shall be permitted only if it does not restrict the natural flow of water.

913.3: All structures and lots must be adequately drained at all times.

SECTION 914 CONTROL OF TRAFFIC AND PROTECTION TO PUBLIC SAFETY:

The application for a permit of 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 915 HIGHWAY ACCESS (CURB CUTS):

Whenever required and/or provided under the provisions of this Ordinance, all access drives to or from public rights-of-way shall be designated according to the following standards:

915.1: Except in the case of single family and two family dwellings:

915.1.1: The general layout shall be such that there will be no need for motorists to back over public rights-of-way.

915.1.2: Access drives shall be paved and shall not exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb.

915.1.3: The number of access drives shall not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

915.1.4: Access drives shall not cross the street right-of-way lines:

915.1.4.1: Within forty (40) feet of the right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve, notwithstanding the above and when deemed reasonably necessary for safety by the Zoning Hearing Board, this dimension shall be increased for access drives to shopping centers and other commercial, industrial, public or other institutional uses. Such access drives shall be located on major streets, where practical, in a manner to permit safe ingress and egress.

915.1.4.2: Within five (5) feet of a fire hydrant, catch basin or drain inlet.

915.1.4.3: Within forty (40) feet of an access drive.

915.1.4.4: Within three (3) feet of a property line unless two (2) adjoining mutually agree to a common access drive.

915.1.5: Access to a public highway or street shall be controlled in the interest of public safety. The off street parking, loading and service area on all properties used for any purpose other than single family residences required by this Article shall be physically separated by a pipe rail or fence at least three (3) feet high and/or a planting strip.

915.1.6: General Safety Requirements: Sight Distance driveways shall be located in safe relationship to sight distance and barriers to vision and shall not exceed a slope of ten (10) percent within twelve (12) feet of the street line. Where drivers enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.

915.1.7: Submission of Plans: A scaled drawing of proposed off street parking and loading areas, access drives and walks shall be submitted as part of the required plot plan. Any plan requiring access onto State highway shall be approved by the Pennsylvania Department of Transportation in addition to Township Supervisor approval.

#### SECTION 916 SCREEN PLANTING:

916.1: Where screen plantings are required under the terms of this Ordinance, they shall consist of trees, shrubs and other plant materials arranged in a manner to serve as a barrier to visibility, air borne particles, glare and noise. The screen planting shall be in accordance with the following requirements:

916.1.1: Plant materials used in the screen planting shall be comprised of not less than fifty (50) percent evergreen material and shall be not less than six (6) feet in height.

916.1.2: The screen planting shall be permanently maintained.

916.1.3: The screen planting shall be so placed so that at maturity it will be at least eight (8) feet thick and not closer than two (2) feet to any street or property line.

916.1.4: A clear sight triangle shall be maintained at all points where private accessways intersect public streets and at all street intersections.

916.1.5: The screen planting may be broken at points of vehicular or pedestrian access and at other points where a barrier is not necessary provided that:

916.1.5.1: No outdoor processing or manufacturing activity and no outdoor storage or materials shall be so located as to be visible from the adjacent residential district.

916.1.6: Prior to the issuance of a building permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials to be placed in such buffer yards shall be approved by the Planning Commission.

SECTION 917 SPECIAL ROAD SETBACK REGULATIONS:

917.1: State Route 18 (Wilmington Road)

917.1.1: Notwithstanding other district regulations, any lot of record and not improved with a structure prior to the enactment date of this Ordinance, or a lot established after the enactment date hereof, with any yard abutting on Wilmington Road (Route 18) and Sharon Road, shall have a yard depth of one hundred twenty-five (125) feet measured from the center line of said road.

917.2 Other Roads:

917.2.1: Unless a greater setback is required by district regulations, a front yard at least fifty (50) feet in depth measured from the right-of-way of the road is required.

SECTION 918 RIGHTS-OF-WAY

918.1: No property owner is permitted to deny a right-of-way for public utilities to adjoining property owners unless approved by the Zoning Hearing Board.

918.2: All property owners must have the approval of the Planning Commission on selling frontage lots for the purpose of reserving street rights-of-way for access to the property lines that lie in the rear of the property being sold.

SECTION 919 OUTSIDE SANITARY TOILETS:

Pertaining to Amish outside sanitary toilets, they are permitted but have to meet State inspections.



SECTION 920 MOBILE HOMES: (In districts where mobile homes are permitted as single family dwellings).

- 920.1: Mobile home foundations shall be of masonry construction up on footers set below frost line and oriented to the frame of the mobile home so as to provide a weather-tight joint on all four sides and shall meet minimum standards of all local housing, electrical, plumbing and other codes in force or hereby enacted.
- 920.2: A mobile home shall be subject to all controls set forth herein governing other dwelling units permitted in the applicable districts.
- 920.3: A mobile home shall not be removed from a lot until a permit has been issued by the Zoning Officer.
- 920.4: After removal of the mobile home, the foundation shall be removed and the site back filled by the owner to an approved grade established by the Zoning Officer. In lieu of this, the owner may sell or otherwise legally transfer the lot to house another mobile home on the same foundation.
- 920.5: A mobile home must sit parallel to the road or street.

SECTION 921 BASEMENT STRUCTURES:

Residing in a basement structure before completion of the total structure shall not be permitted.

- 921.1: Regulations concerning basement structures do not apply to so called "earth home" which are designed to take advantage of the insulating qualities of earthen fill along walls and over the roof of a dwelling.

SECTION 922 SATELLITE ANTELLAS:

- 922.1: Only one (1) satellite dish antenna shall be permitted on a residential lot. In all districts satellite dish antennas shall not be permitted in front yards and no part of the dish antenna shall be located closer than twenty (20) feet to any property line.
- 922.2: The maximum diameter of any satellite dish antenna installed on any lot or on any roof shall be twelve (12) feet in a residential or agricultural zone and twenty (20) feet in all other zones.
- 922.3: In all districts the maximum height of any freestanding satellite dish antenna shall be twenty (20) feet.

SECTION 923 MUNICIPAL SEWAGE SYSTEMS:

923.1 Treatment plants, pump stations, control buildings and other such buildings or improvements necessary for the maintenance or construction of a municipal sewage system shall not be governed by the provisions of Article IX.

923.2 Structures and improvements described in 923.1 shall be allowed, but shall be required to provide reasonable yard space and shall be suitably landscaped.

ARTICLE X- OFF STREET PARKING, LOADING & UNLOADING

SECTION 1000 GENERAL REGULATIONS:

1000.1: 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 what such facilities are provided. As used herein, the term “parking space” includes either covered garage space or uncovered parking lot space located off the public right-of-way.

1000.2: Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for reach motor vehicle, including interior driveways, driveways connecting the garage or parking space with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for what use is intended. The net parking space per vehicle shall not be less than nine (9) feet wide and twenty (20) feet long. Outdoor parking spaces and the approaches thereto shall be paved or covered with gravel or cinders and maintained dust free. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.

1000.3: Surfacing: Any off street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dust free surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

1000.4: Lighting: Any lighting used to illuminate any off street parking area shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

SECTION 1001 FACILITIES REQUIRED:

1001.1: Number of Parking Spaces Required: The number of off street parking spaces required is set forth below. Where the use of the premise is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one use exists on a lot, parking regulations for each use must be met.

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
<u>1.</u> Auto Sales & Service	1 for each 200 sq. ft. of Gross Floor Area (GFA)*
<u>2.</u> Service Stations	1 for each 200 sq. ft. of GFA
<u>3.</u> Single Family Dwelling & Duplex	2 per dwelling unit
<u>4.</u> Multi Family Dwelling	1 ½ per dwelling unit
<u>5.</u> Mobile Home Parks	2 per each space
<u>6.</u> Hotels and Motels	1 per guest room **
<u>7.</u> Funeral Homes & Mortuaries	25 for first parlor and 10 for each additional parlor
<u>8.</u> Hospitals	1 per each bed**
<u>9.</u> Nursing Homes	1 per each 3 beds
<u>10.</u> Churches	1 per each 4 seats
<u>11.</u> Schools	1 per each teacher and staff 1 per each 4 classrooms plus one for each high school students
<u>12.</u> Sports Arenas, Stadiums, Theaters, Auditoriums and Assembly Halls	1 per each 3 seats
<u>13.</u> Community Buildings, Social Halls, Dance Halls, Clubs & Lodges	1 space for each 50 sq. ft. of public floor area
<u>14.</u> Roller Rinks	1 space for each 200 sq. ft. GFA
<u>15.</u> Bowling Alleys	5 spaces per alley
<u>16.</u> Banks & Offices	1 for each 250 sq. ft. GFA
<u>17.</u> Medical Offices & Clinics	8 spaces per doctor
<u>18.</u> Dental Offices	5 spaces per doctor
<u>19.</u> Retail Stores	1 per each 200 sq. ft. GFA
<u>20.</u> Fast Food/Drive In Restaurants	1 per each 50 GFA **
<u>21.</u> Furniture Stores	1 per each 400 sq. ft. GFA
<u>22.</u> Food Supermarkets	1 per each 200 sq. ft. GFA

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
<u>23.</u> Trailer or Monument Sales	1 per each 2500 sq. ft. of lot area
<u>24.</u> Restaurants, Taverns & Nightclubs	1 for each patron seat
<u>25.</u> Swimming Pool (Public)	1 for each 3 lockers
<u>26.</u> Industrial & Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 per employee combined two largest shifts
27. Public Garages	1 for each 400 sq. ft. GFA

\*Gross Floor Area- the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles or any space where the floor to ceiling height is less than six (6) feet. Interior parking and loading spaces are excluded in order not to penalize applicants that include these facilities.

\*\* Plus one space per employee and staff on the major shift.

SECTION 1002 LOCATION OF PARKING AREAS:

Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

SECTION 1003 SCREENING AND LANDSCAPING:

Off street parking areas for more than five (5) vehicles and off street loading areas shall be effectively screened on any side which adjoins a residential district (see definition of screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

SECTION 1004 MINIMUM DISTANCE AND SETBACKS:

No off street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property containing a dwelling residential district, school, hospital, or similar institution.

SECTION 1005 LOADING AND UNLOADING SPACES:

1005.1: In addition to the off street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet, and shall be provided according to the following schedule:

<u>USE</u>	<u>GROSS FLOOR AREA IN SQUARE FEET</u>	<u>MINIMUM NO. OF SPACES</u>
Stores, Manufacturing, Wholesale, Commercial	Under 8,000	1
	8,000 to 40,000	2
Hospitals	40,000 to 250,000	3
Laundry, Mortuary, Dry Cleaners	Each additional 250,000	1
Similar Uses	Under 100,000	1
	100,000 to 300,000	2
	Over 300,000	3

In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public right-of-way be used for loading or unloading of materials.

ARTICLE XI- SIGNS

SECTION 1100 GENERAL:

1100.1: Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

SECTION 1101 SIGNS IN RESIDENTIAL DISTRICTS:

1101.1: Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained provided (1) the size of any such sign is not in excess of (6) square feet, and (2) not more than two (2) signs are placed upon any property in single and separate ownership unless such property fronts upon more than one street in which event two (2) such signs may be erected on each frontage.

1101.2: Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a building, contractor, developer, or other person interested in such sale or development, may be erected and maintained provided: (1) the size of any sign is not in excess of twenty (20) square feet, and (2) not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street in which event two (2) such signs may be erected on each frontage.

1101.3: Signs indicating the location and direction of premises available for on in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained provided: (1) the size of any such sign is not in excess of six (6) square feet and not in excess of four (4) feet in length, and (2) not more than one such sign is erected on each five hundred (500) feet of street frontage.

1101.4: Signs bearing the word “sold” or the word “rented” with the name of the persons effecting the sale or rental may be erected and maintained, provided the conditions in subsection 1101.1 hereof are complied with.

1101.5: Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected provided (1) the size thereof is not in excess of twelve (12) square feet, and (2) such signs are removed promptly upon completion of the work.

1101.6: Trespassing signs or signs indicating the private nature of a driveway or property are permitted providing that the size of any sign shall not exceed two (2) square feet.

1101.7 Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of similar nature may be erected and maintained provided (1) the size of any such sign is not in excess of twenty (20) square feet, and (2) not more than two (2) signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.

1101.8 Signs advertising the sale of farm products, are permitted by this Ordinance, provided (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two (2) signs are used; and (3) the signs shall be displayed only when such products are on sale.

1101.9 Signs advertising home occupations shall be not larger than eight (8) inches by twenty-four (24) inches, bearing the name and occupation (words only) of the practitioner.

#### SECTION 1102 BILLBOARDS OR ADVERTISING SIGN BOARDS:

1102.1: Billboards or advertising sign boards may be erected and maintained in commercial, industrial and agricultural districts, only when they related or refer directly to the use conducted on the premises, or to the material or products made, sold or displayed on the premises.

#### SECTION 1103 BUSINESS IDENTIFICATION SIGNS:

1103.1: Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts, the size of business identification signs shall not exceed two hundred (200) square feet in area. All general regulations, Section 1104, shall apply to such signs.



SECTION 1104 GENERAL REBULATIONS FOR ALL SIGNS:

- 1104.1: Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
- 1104.2: No sign shall be placed in such a position that will cause danger to that traffic on a street by obscuring the view.
- 1104.3: No sign, other than an official traffic sign, shall be erected within the lines of any street, unless authorized by the municipal governing body for a special purpose.
- 1104.4: No sign shall project over a public sidewalk.
- 1104.5: A permit shall be required for the erection or alteration of billboards or advertising sign boards and business identification signs.
- 1104.6: Each sign, poster or advertising bulletin shall be removed when circumstances leading to its erection no longer apply.
- 1104.7: In all districts only those signs, billboards, advertising signboards and business identification signs referring directly to materials or products made, sold or displayed on the premises on which the sign is erected shall be permitted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.
- 1104.8: No animated, sequential, flashing or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location or movement that may interfere with traffic lights, signals or other controls shall not be permitted in any district.
- 1104.9: Irrespective of all other provisions set forth herein, no billboard, advertising signboard or business identification sign shall exceed two hundred (200) square feet in area.

SECTION 1105 LIGHTS:

- 1105.1: No flashing or oscillating lights shall be permitted. Any light by reason of intensity, color, location, movement or direction of its beam that may interfere with or abrogate public safety shall not be permitted in any district.

ARTICLE XII- ZONING HEARING BOARD

SECTION 1200 GENERAL:

1200.1: General: In accordance with Article IX of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board shall be constituted. It is the intention of this Ordinance to continue in existence the already established Zoning Hearing Board. The Board may adopt rules to govern its procedures, such rules to include to procedure for notice in accordance with the Planning Code. The Board shall hold meetings; keep minutes; conduct hearings pursuant to notice; compel the attendance of witness; take testimony under oath; and render decisions, all required by law.

SECTION 1201 ENFORCEMENT:

1201.1: 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. He 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 plans and documents; and make sure reports as the Board of Supervisors 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 written order of the Zoning Hearing Board.

1201.1.1: Requirements for Permits: A building permit shall be required prior to the erection, addition or alteration of any building or portion thereof resulting in additional useable floor space; prior to the use or change in use of a building or land; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming 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 building permit has been duly issued therefore.

1201.1.2: Application for Building Permits: All applicants for building permits shall be accompanied by plans in duplicate, drawn to scale and showing the actual shape and dimensions of the lot to be build upon; the exact size and location of any buildings existing on the lot; the lines 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 pertinent ordinances. One copy of such plans shall be returned to the owner when such plans shall be approved by the Township engineer. All applications, with accompanying plans and documents, shall become a record after a permit is issued or denied.

1201.1.3: Issuance of Permits: No building or use permit shall be issued until the Zoning Officer has certified that the proposed building, addition, use or alteration complies with all the provisions of this Ordinance, as well as with all of the provisions of the Building Permit Code. A permit issued hereunder shall become void twelve (12) months after the issuance date.

1201.1.4: Temporary Permits: A temporary permit may be authorized by the Zoning Hearing Board for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. 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 three (3) years.

1201.1.5: Appeal of Application: An appeal of application for a special exception or variance from the terms of this Ordinance may be filed with the Zoning Officer and shall state:

- the name and address of the applicant;
- the name and address of the owner of the real estate to be affected by the proposed special exception or variance;
- a brief description and location of the real estate to be affected by such proposed change;
- a statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof;
- a statement of the section of this Ordinance under which the variance or special exception requested may be allowed, and reason why it should be granted
- a reasonably accurate description of the present improvements and the additions intended to be made under this application indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as provided in Section 1201.1.2, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.

1201.1.6 Zoning Hearing Board Certificate: It shall be the duty of the Secretary of the Zoning Hearing Board to issue a Zoning Hearing Board Certificate which shall indicate the action of the Board on applications for a special exception, a variance or an opinion on the review. The Board may cancel or revoke a Zoning Hearing Certificate for any violation of the Ordinance or of conditions imposed.

1201.1.7 Certificate of Non-Conformance: See Section 900.12.

SECTION 1202 APPEALS:

Any person or Township Official aggrieved or affected by any provisions of this Ordinance or by any decision of the Zoning Officer may appeal for appropriate action as provided for by the rules of the Board by filing an appeal or request in a timely fashion. Such requests and appeals shall be made on such forms as may be prescribed by the Board and, in general, shall be consistent with the powers, duties and procedures for such matters as set forth by the Pennsylvania Municipalities Planning Code.

1202.1 Specificity: Every appeal or application shall refer to the specific provisions of the Ordinance which is involved and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for, as well as, the grounds upon which it is claimed such variance should be granted.

1202.2 Hearings: Notice for hearings shall be given to the public, the applicant, the Zoning Officer, any person making a timely request and such other persons as the Board may designate. A notice of the hearing shall be posted conspicuously on the affected tract of land.

1202.3 Conduct of Hearings: Generally, hearings shall be conducted in accordance with the provisions of Section 908 of the Pennsylvania Municipalities Planning Code, the Ordinance and the By-laws of the Board. The use of a hearing officer may be permitted consistent with Section 908. The Board shall have all power and rights to exercise its functions for hearings as are expressly granted or reasonably inferred from Section 908.

1202.4 Decisions: The Board shall render a written decision on appeals or applicants within forty-five (45) days after the last hearing. Decisions shall be accompanied by finding of fact, conclusions based thereon this Ordinance or the Pennsylvania Municipalities Planning Code shall contain a reference to the appropriate provision, as well as, the reasons why the conclusions were deemed appropriate in view of the facts found. All decisions will be made or findings rendered at a public meeting of the Board.

1202.5 Notice of Decision: A copy of the decision or the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision of findings. If the applicant is present at the meeting or hearing at which the decision is rendered, he will have been deemed to have received notice. A brief notice of the decision or findings shall be sent to all parties who have find at a timely appearance along with the notation that a full copy of the text thereof may be examined at the Township building during regular office hours.

1202.6 Unified Hearings: Shall be held in accordance with Section 908 of the Pennsylvania Municipalities Planning Code.

SECTION 1203 VARIENCE:

In accordance with Section 912 of the Pennsylvania Municipalities Planning Code, the Board, upon appeal , shall have the power to authorize variances from the provisions of this Ordinance. The applicant must provide evidence to the Board of the need for the variance based upon the following criteria:

- 1203.1: That there unique physical circumstances or conditions including: irregularity, narrowness, 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 Zoning Ordinance in the neighborhood or district in which the property is located.
- 1203.2: 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 therefore necessary to enable the reasonable use of the property.
- 1203.3: That such unnecessary hardship has not been created by the appellant.
- 1203.4: That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property and not be detrimental to the public welfare.
- 1203.5: That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1203.6 Conditions: If the Board does grant a variance, it may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Code.

SECTION 1204 SPECIAL EXCEPTIONS:

The Board shall have the power to decide applications for special exceptions as specified in this Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth. The Board shall approve a special exception only if it meets the following criteria and standards, in addition to those set forth by Article VIII:

1204.1: The use is compatible with adjacent uses and structures.

1204.2: The use is suitable to topography and other characteristics of the site.

1204.3: The use complied with all off street parking and other provisions of this Ordinance.

1204.4: For the purpose of a special exception, the Board shall consider the proposed use in regard to congestion, fire hazard, population increases, light and air, burden to public facilities; schools and the general health and welfare of the community.

1204.5: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for health and safety and the general welfare of the Township of Wilmington.

1204.6: Conditions: 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 properly implements this Ordinance.

SECTION 1205 VIOLATIONS:

1205.1: Failure to comply with any provisions of this Ordinance or to secure necessary permits shall be a violation of this Ordinance.

1205.1.1 Notice of Violation: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, contractor or building such violation shall be discontinued immediately.

1205.1.2 Penalties: For any and every violation of the provisions of this Ordinance, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed, or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed, or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any violation, or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof, to a penalty not exceeding \$500.00 or, in default thereof, imprisonment not exceeding sixty (60) days for each and every offense; and whenever such person shall have been notified by the Zoning officer by service of a summons in a prosecution, or in any other way, that he is committing such violation of this Ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such finds or penalties shall be collected as like fines or penalties are now by law collected.

1205.1.3: Remedies: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Article, or any ordinance or other regulation made under authority conferred hereby, the supervisors or, with the approval of the Supervisors, the zoning officer or other proper official in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

1205.2 Validity: Should any section or provisions 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.

1205.3 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 of the Township. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a great 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, regulations or ordinances, the provisions of this Ordinance shall control.

1205.4 Repealer: Ordinances or parts of ordinances herewith relative to zoning, except Section 11 of the Wilmington Township Zoning Ordinance of 1973, are hereby repealed.

1205.5 Fees: Fees for all filing of any appeal or proceedings with the Board shall be in accordance with a fixed schedule by the Township Supervisors. Fees shall be made payable in advance. Cost of copies of the testimony requested by the applicant shall be borne by the applicant.

1205.6 Right of Appeal: Any aggrieved party shall be entitled to a Right of Appeal in every case provided by the Constitution and Acts of Assembly of the Commonwealth of Pennsylvania.