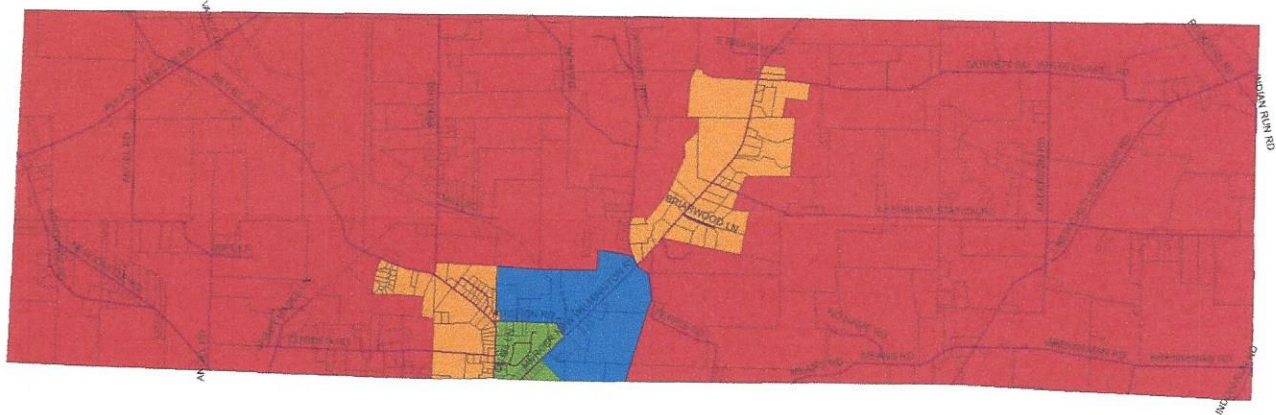


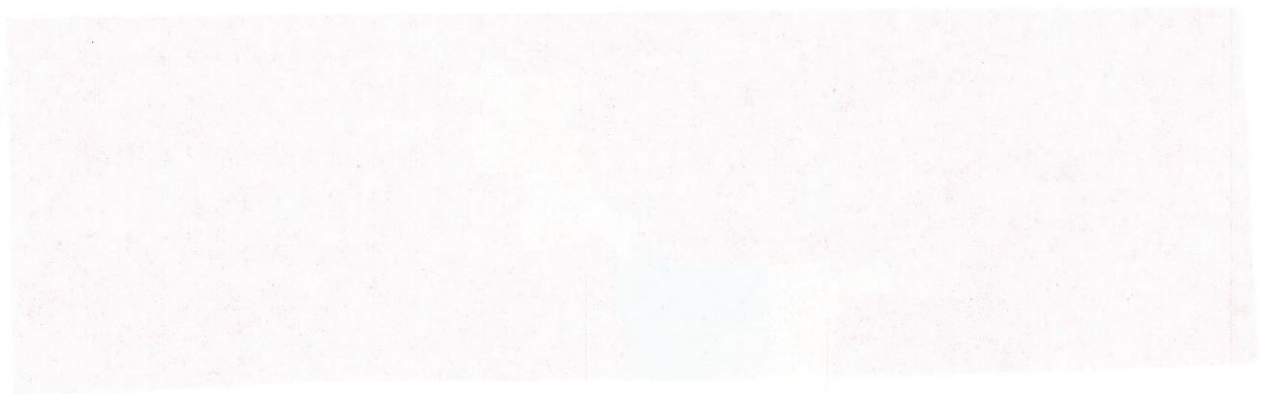
# **WILMINGTON TOWNSHIP**



## **ZONING ORDINANCE 2021-1**

**Adopted February 10, 2021**

# WILMINGTON TOWNSHIP



ZONING ORDINANCE  
2021-1

Adopted February 10, 2021

## Table of Contents

ARTICLE I SHORT TITLE - PURPOSE – SCOPE .....	4
Section 100: Short Title .....	4
Section 101: Purpose.....	4
Section 102: Scope.....	5
Section 103: Application.....	5
ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES.....	6
Section 200: Purpose of Community Development Objectives .....	6
Section 201: Overall Goal.....	6
Section 202: Land Use Goal .....	6
ARTICLE III - ZONING DISTRICTS .....	8
Section 300: Zoning Districts .....	8
Section 301: Boundaries of Zoning Districts .....	9
ARTICLE IV - PERMITTED, CONDITIONAL AND ACCESSORY USES AND AREA REQUIREMENTS.....	11
Section 400: Permitted, Conditional, and Accessory Uses .....	11
Section 401: Area-and -Dimensional Requirements .....	14
ARTICLE V - ADDITIONAL CRITERIA FOR PERMITTED USES, CONDITIONAL USES AND ACCESSORY USES IN EACH DISTRICT .....	17
Section 500: Additional Criteria and Provisions for Residential and Agriculture Uses .....	17
Section 501: Additional Criteria and Provisions for Business Uses .....	23
Section 502: Additional Criteria and Provisions for Industrial Uses .....	29
Section 503: Additional Criteria and Provisions for Any Other Uses.....	30
ARTICLE VI - DEVELOPMENT REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL USES.....	33
Section 600: Development Regulations for Any Non-Farm Related Residential Single-Family or Two-Family Uses.....	33
Section 601: Development Regulations for Any Multiple-Family Residential Uses .....	33
Section 602: Development Regulations for Any Business Use .....	36
Section 603: Development Regulations for any Industrial Use.....	38
ARTICLE VII - SIGN REGULATIONS.....	41
Section 700: Purpose.....	41
ARTICLE VIII - PARKING AND LOADING REGULATIONS .....	42

Section 800: Off-street Parking and/or Loading Facility Requirements .....	42
Section 801: General Provisions .....	45
ARTICLE IX - SUPPLEMENTARY REGULATIONS .....	48
Section 900: Supplementary Lot and Yard Regulations .....	48
Section 901: Supplementary Height Regulations .....	49
Section 902: Mineral Excavation Regulations .....	50
Section 903: Temporary Mobile Homes.....	51
Section 904: Agricultural Deed Notation .....	51
Section 905: Group Homes.....	51
Section 906 Adult Entertainment Establishments .....	53
ARTICLE X - NON-CONFORMING USES, STRUCTURES AND LOTS .....	58
Section 1000: Intent and Standards .....	58
Section 1001: Non-Conforming Lots of Record .....	58
Section 1002: Non-Conforming Uses of Land .....	59
Section 1003: Non-Conforming Structures.....	59
Section 1004: Non-Conforming Uses of Structures.....	60
Section 1005: Repairs and Maintenance .....	61
Section 1006: Uses Granted Under Special Exception Provisions Not Nonconforming Uses .....	61
ARTICLE XI - ADMINISTRATION AND ENFORCEMENT .....	62
Section 1100: Office of Zoning Officer .....	62
Section 1101: Duties and Powers of the Zoning Officer .....	62
Section 1102: Application for Permit and Certificate of Use and Occupancy .....	63
Section 1103: Action on Permits and Certificates of Use and Occupancy .....	65
Section 1104: Fees .....	66
Section 1105: Enforcement Notice.....	66
Section 1106: Prosecution of Violation.....	66
ARTICLE XII - ZONING HEARING BOARD.....	67
Section 1200: Creation, Membership and Organization .....	67
Section 1201: Jurisdiction and Functions .....	67
Section 1202: Hearings .....	67
Section 1203: Termination and Modification of Permit.....	67
Section 1204: Parties Appellant Before the Board.....	68
Section 1205: Applications and Fees .....	68



Section 1206: Special Exceptions .....	68
ARTICLE XIII - AMENDMENT, SUPPLEMENT OR CHANGE.....	74
Section 1300: Procedure for Amendments .....	74
ARTICLE XIV - APPEALS.....	75
Section 1400: Zoning Appeals.....	75
ARTICLE XV - VALIDITY.....	75
Section 1500: Severance .....	75
ARTICLE XVI - REPEAL .....	75
Section 1600: Repeal of 1996 Zoning Ordinance .....	75
ARTICLE XVII - DEFINITIONS .....	76
Section 1700: General Interpretation.....	76
Section 1701: Definition of Terms .....	76
ARTICLE XVIII - EFFECTIVE DATE.....	93
Section 1800: Effective Date.....	93
ARTICLE XIX - CERTIFICATION .....	94
Section 1900: Certification .....	94
Attachment A .....	95

## **ARTICLE I SHORT TITLE - PURPOSE – SCOPE**

### **Section 100: Short Title**

This ordinance shall be known as the "Wilmington Township Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Wilmington Township Zoning Map" copies of which shall be retained by the Township Zoning Officer and the Township Secretary. The map included herein is a reproduction of the official map and for reference only.

### **Section 101: Purpose**

The regulations of the "Zoning Ordinance" are made in accordance with the following purpose:

1. to lessen congestion on the streets and highways.
2. to secure safety from fire, panic and other dangers.
3. to promote health and the general welfare.
4. to provide adequate light and air.
5. to prevent the overcrowding of land.
6. to avoid undue congestion of population.
7. to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
8. to protect and enhance the value of land.
9. to encourage yet control new development and growth in the Township.
10. to encourage renewable energy.

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Township.

## **Section 102: Scope**

The "Zoning Ordinance" regulates and restricts within the boundaries of the Township of Wilmington, Mercer County, Pennsylvania:

1. The height, number of stories and size of buildings and other structures.
2. Their construction, alteration, extension, repair and maintenance.
3. All facilities and services in or about such buildings and structures.
4. The percentage of lot that may be occupied.
5. The size of yards, courts and other open spaces.
6. The density of population.
7. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
8. The establishment and maintenance of building lines and setback building lines upon any or all public streets or highways.

## **Section 103: Application**

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

## **ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES**

### **Section 200: Purpose of Community Development Objectives**

This article shall serve as the statement of community development objectives for the Wilmington Township Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Township as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Township to implement said objectives.

### **Section 201: Overall Goal**

It is the overall goal of Wilmington Township to:

1. Promote and maintain agri-business in those areas where they are currently located.
2. Discourage indiscriminate development in prime agricultural areas.
3. Encourage the maintenance of the pleasing appearance and scenic values of the township.
4. Employ appropriate land use controls to guide the future land use.
5. Preserve conservation areas - specifically the 100 year flood plain level of the Little Neshannock Creek North and West Branches.
6. Encourage managed growth and development of Industrial, Residential and Commercial uses within the Township of Wilmington.

### **Section 202: Land Use Goal**

To provide and perpetuate a land use pattern which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.



### **202.1: Specific Objectives**

1. To maintain the pleasant, rural atmosphere of the community and allow traditional agricultural activities to thrive.
2. To provide basic improvements where necessary for safe and convenient living conditions including sound roads, community gathering place, safety services, water and sewer facilities, and housing.
3. To safeguard the public interest by wise and efficient use of tax dollars.
4. To encourage controlled development opportunities which will generate additional tax base and lighten the burden on large numbers of lower-income taxpayers, and will also complement the Township's agricultural and rural character.

# ARTICLE III - ZONING DISTRICTS

## Section 300: Zoning Districts

Wilmington Township is hereby divided into the following Zoning Districts:

<b>Residential</b>	<b>Abbreviation</b>
- Rural Agricultural/Residential	“R-1 -A”
- Residential Single-Family	“R-1”
- Multiple Family Residential	“R-2”
<b>Industrial &amp; Business</b>	
- Industrial/Business	“I-B”

### 300.1: Rural Agricultural/Residential “R-1-A” Zoning District

This district is designed to provide a Zoning District in which the predominant use will be agriculture:

- (a) To preserve and conserve farms, farmland and agricultural areas.
- (b) To maintain the food producing capacity of the soil.
- (c) To discourage the subdivision of land into uneconomic and unproductive parcels.
- (d) To encourage all agricultural principal and accessory uses so as to retain a stable and well-balanced agricultural area.
- (e) To permit easy accessibility to essential agricultural processing needs.
- (f) To enable the furtherance and conservation of an agricultural district, thereby protecting the community, region, state and national interest in the basic needs of agriculture.
- (g) To maintain a land area for low density residential use.

### **300.2: Residential Single-Family “R-1” Zoning District**

To provide a Zoning District in which the predominant use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of land for single-family residential dwellings and other compatible uses. The residential Zoning District includes land on which a pattern of housing has begun to develop and where agricultural use has declined or is fragmented. The intent of the district is to provide the optimum locations in the Township for new single-family residential growth to occur. Such locations include adequate soil absorption and ground water resources as well as easy access to important highways so as to support low density residential development and affordable housing for Township residents.

### **300.3: Multiple-Family Residential “R-2” Zoning District**

This district is designed to provide a Zoning District in which the predominant use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of land for single-family and multi-family residential dwellings and other compatible uses.

### **300.4: Industrial/Business “I-B” Zoning District**

This district is designed to provide a Zoning District which will encourage the establishment and maintenance of business establishments and to encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.

## **Section 301: Boundaries of Zoning Districts**

The boundaries of the Zoning Districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

### **301.1: Where a Zoning District Boundary Approximately Follows a Street or Alley**

The center line of such street or alley shall be interpreted to be the Zoning District boundary.

### **301.2: Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line**

The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

### **301.3: Where a Zoning District Boundary Approximately Follows a Lot Line**

The lot line shall be interpreted to be the Zoning District boundary.

### **301.4: Where a Zoning District Boundary Follows a Watercourse**

The center line of the watercourse shall be interpreted to be the Zoning District boundary.

### **301.5: Submerged Areas**

Where areas within the Township are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

### **301.6: Classification of Annexed Lands**

Any land annexed to or made a part of the Township subsequent to the adoption of this ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

### **301.7: Vacation of Public Ways**

Whenever any street or alley is vacated, the Zoning District or Districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

### **301.8: Where a Zoning District Boundary Does Not Follow a Physical Feature or Lot Line and None of the Previous Rules Apply**

The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map shall be determined by the use of the map scale appearing thereon.



# ARTICLE IV - PERMITTED, CONDITIONAL AND ACCESSORY USES AND AREA REQUIREMENTS

## Section 400: Permitted, Conditional, and Accessory Uses

Within each Zoning District lands, buildings and structures shall be used, and buildings and structures shall be erected, altered or enlarged only for any of the uses permitted by right in the particular zone district in which they are located. However, the Board of Supervisors may approve any of the conditional uses listed for each zone district for a specific site in accordance with the requirements of this Ordinance. The table below lists, by zone district, all the principal permitted, conditional and accessory uses according to general use groupings. In the table the following abbreviations are used:

<b>P</b>	= Permitted Use (See Article XVII, Definitions Use, Permitted);
<b>C</b>	= Conditional Use (See Article XVII, Definitions Use, Conditional);
<b>A</b>	= Accessory Use (See Article XVII, Definitions Use, Accessory);
<b>SE</b>	= Special Exception (See Article XVII, Definitions);
<b>R-1-A</b>	= Rural Agricultural/Residential
<b>R-1</b>	= Single Family Residential
<b>R-2</b>	= Multiple Family Residential
<b>I-B</b>	= Industrial/Business

[following table - References are to see Article V - Additional Criteria for Permitted, Conditional and Accessory Uses]

<b>RESIDENTIAL USES</b>	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>I-B</b>
Single-family residential dwelling	P	P	P	P
Two-family dwelling – duplex			P	C
Multi-family dwelling (See 601)			P	
Multi-family rental dwelling				C
Mobile home (See 500.1)	P	P	P	P
Mobile home park (see 500.2)	P			
Home occupation	A	A	A	A
Private garages	A	A	A	A
Private playhouse, swimming pool, tennis court, tool and storage sheds and private greenhouses	A	A	A	A
Lodge	P	P	P	P
Lodging unit	C			P
Doty/Accessory house	C	C		C
Second residential dwelling for housing agricultural labor	C			A
Bed and Breakfast House (See 500.3)	P	P	P	P
Small personal care boarding home	C	C		P
Transient Lodging	C			P

<b>AGRICULTURAL USES</b>	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>I-B</b>
Farms	P	P	P	P
Experimental stations for agriculture	P	P	P	P
Forest Preserves	P	P	P	P
Nurseries and/or Greenhouses	P	P	P	P
Processing of agricultural products	P	P	P	P
Grange halls and related agricultural organizations	P	P	P	P
Sportsmen clubs	P	P	P	P
<b>BUSINESS USES</b>	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>I-B</b>
Eating and drinking establishment				P
Banks or financial service establishments				P
Banquet/Social halls				P
Special event barn	C			
Retail establishment				P
Office establishment				P
Convenience stores (See 501.2)				C
Hotels and motels, taverns or motor inns				P
Personal service establishment				P
Health services				P
Automotive service establishment (See 501.1)				P
Automotive garage				P
Service facility on a lot occupied by an automotive service establishment for the service of gas, oil, air or water or repair facility (See 501.3 & 502.4)				A
Grocery stores				C
Transportation terminal station, i.e. bus station				P
Agri-business				P
Multi-family rental dwellings				C
Major Solar Energy Systems (501.6)	SE			



<b>INDUSTRIAL USES</b>	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>I-B</b>
Trucking facilities (See 502.1)				C
Office, restaurant, recreation use, museum, and/or hospital establishment primarily serving an industrial establishment (See 502.3)				P
Warehouse and/or Wholesale Establishment				P
Adult Entertainment establishments (See 502.6)				C
Any industrial use for the manufacture, assembly, compounding, processing or storage of products				P
Inflammable liquid storage on a lot occupied by an automotive service establishment (See 501.4 & 502.2)				P
Saw Mill or Planing Mill	C			P
Saw Mill Dry Kiln				P
Any other accessory use to a principle industrial use (See 502.5)				A
<b>OTHER USES</b>	<b>R-1-A</b>	<b>R-1</b>	<b>R-2</b>	<b>I-B</b>
Church, church school or church use, cemetery	P	P	P	P
Schools; both public and private & colleges including dormitory for students and/or faculty		P	P	P
Convalescent home			C	C
Dependency rehabilitation facility				P
Group home (See 905)	C	C	C	
Hospital or sanitarium			C	C
Governmental or governmental authority facility, service structure or use (See 503.2)	P	P	P	P
Public utility, service structure and/or use (See 503.3)	P	P	P	P
Essential services	P	P	P	P
Recreation facility open to the public	P	P	P	P
Child care center			P	P
Mortuary Funeral Home				P
Walls, fences, lamp posts, similar accessory structures (See 901.5, 901.6, 901.7)	A	A	A	A
Private shelter for domestic pets	A	A		A
Storage or parking of a recreational vehicle or non-agricultural commercially licensed vehicle (See 503.5)	A	A		A
Parking lot and/or parking structures (See 503.1)				P
Loading area (See 503.4)				P

[A particular use which is not listed still may be permitted subject to Section 1206.1]

## Section 401: Area-and -Dimensional Requirements

Within each zone district buildings and structures shall be erected or enlarged only in accordance with the following standards establishing dimensions such as minimum lot size and width, minimum setback of buildings, maximum lot coverage by buildings, maximum height and minimum floor area. These requirements are depicted in Table 401.

All dimensions are in feet (ft.), square feet (sq. ft.), acres (43,560 sq. ft.) or percent (%).

**Table 401 - Area and Height Dimensions**

Area and Height Dimensions	R-1-A Zoning District	R-1 Zoning District
<b>Minimum Lot Area</b>		
<b>Single-family dwelling</b>		
- On-lot septic	40,000 sq. ft.	40,000 sq. ft.
- Central sewer system	20,000 sq. ft.	20,000 sq. ft.
<b>Minimum Lot Width</b>		
- Interior lot	150 ft.	150 ft.
- Corner lot	170 ft.	170 ft.
<b>Minimum Front Yard Setback</b>	75 ft. <sup>1</sup>	75 ft. <sup>1</sup>
<b>Minimum Rear Yard Setback</b>		
- Principal structure	35 ft.	35 ft.
- Accessory structure	10 ft.	10 ft.
<b>Minimum Side Yard</b>		
<b>Total of Both Sides</b>	50 ft.	30 ft.,
<b>One Side</b>		
- <b>Principal Use</b>		
o Interior lot	25 ft.	15 ft.
o Street side on corner lot	35 ft.	20 ft.
- <b>Accessory Use</b>		
o Interior lot	15 ft.	15 ft.
o Street side on corner lot	25 ft.	20 ft.
<b>Maximum Structure Height</b>		
- Principal structure	35 ft.	35 ft.
- Accessory structure	Height of principal structure	Height of principal structure
<b>Maximum Lot Coverage</b>	25%	25%
<b>Minimum Floor Area of Dwellings</b>	750 sq. ft. <sup>2</sup>	900 sq. ft. <sup>2</sup>

<sup>1</sup> Building Setback shall be measured from the street center line.

<sup>2</sup> Except that mobile homes having less than 750 sq. ft. of floor area shall be permitted in mobile home parks.



Area and Height Dimensions		R-2 Zoning District	
<b>Minimum Lot Area</b>		<b>On-lot Septic</b>	<b>Central Sewage System</b>
<input type="checkbox"/> Single family dwelling		<input type="checkbox"/> 40,000 sq. ft.	<input type="checkbox"/> 20,000 sq. ft.
<input type="checkbox"/> Two-family dwelling		<input type="checkbox"/> 40,000 sq. ft.	<input type="checkbox"/> 20,000 sq. ft.
<input type="checkbox"/> Multi-family dwelling <sup>1</sup>		<input type="checkbox"/> 20,000 sq. ft.	<input type="checkbox"/> 20,000 sq. ft.
<b>Minimum Lot Width</b>			
<input type="checkbox"/> Interior Lot			
○ Single-Family		100 ft.	
○ Two-Family		150 ft.	
○ Multi-Family		150 ft.	
<input type="checkbox"/> Corner Lot			
○ Single-Family		120 ft.	
○ Two-Family		170 ft.	
○ Multi-Family		170 ft.	
<b>Minimum Front Yard Setback</b>		75 ft. <sup>2</sup>	
<b>Minimum Rear Yard Setback</b>			
<input type="checkbox"/> Principal Structure			
○ Single-Family		35 ft.	
○ Two-Family		35 ft.	
○ Multi-Family		50 ft. <sup>3</sup>	
<input type="checkbox"/> Accessory Structure			
○ Single-Family		10 ft.	
○ Two-Family		10 ft.	
○ Multi-Family		50 ft. <sup>3</sup>	
<b>Minimum Side Yard</b>			
<b>One Side: Principal &amp; Accessory Use</b>			
<input type="checkbox"/> Interior Lot			
○ Single-Family		15 ft.	
○ Two-Family		25 ft.	
○ Multi-Family		50 ft. <sup>3</sup>	
<input type="checkbox"/> Street Side Corner Lot			
○ Single-Family		25 ft.	
○ Two-Family		25 ft.	
○ Multi-Family		50 ft.	
<b>Maximum Structure Height</b>			
<input type="checkbox"/> Principal Structure		35 ft. <sup>4</sup>	
<input type="checkbox"/> Accessory Structure		Height of principal structure	
<b>Maximum Lot Coverage</b>		30 %	
<b>Minimum Floor Area of Dwellings</b>		750 sq. ft.	

<sup>1</sup> Gross lot area no more than 20,000 sq. ft. per multi-family unit. -Multi-family developments require a minimum five (5) acre parcel.

<sup>2</sup> Building Setback shall be measured from the street center line.

<sup>3</sup> 50 ft. from any adjacent property line. A minimum of 40 ft. between structures within the multi-family development and the yard area may not overlap.

<sup>4</sup> See Section 902.2 for exceptions

**Table 401 – Area and Height Dimensions** (continued)

<b>Area and Height Dimensions</b>	<b>I-B Zoning District</b>
<b>Minimum Lot Area</b>	<b>40,000 sq. ft. with on-lot septic 20,000 sq. ft. with central sewer</b>
<b>Minimum Lot Width</b>	
<input type="checkbox"/> Interior Lot	150 ft.
<input type="checkbox"/> Corner Lot	170 ft.
<b>Minimum Front Yard Setback</b>	75 ft. <sup>1</sup>
<b>Minimum Side Yard</b>	25 ft.
<b>Minimum Rear Yard Setback</b>	
<input type="checkbox"/> Principal Use	35 ft.
<input type="checkbox"/> Accessory Use	10 ft.
<b>Maximum Structure Height</b>	35 ft. <sup>2</sup>
<b>Maximum Lot Coverage</b>	
<input type="checkbox"/> Commercial Use	50 %
<input type="checkbox"/> Industrial Use	50 %
<input type="checkbox"/> Any Other Use	25 %
<b>Minimum Floor Area</b>	750 sq. ft.

<sup>1</sup> Building setbacks shall be measured from the street centerline.

<sup>2</sup> See Section 902.2 for exceptions

# **ARTICLE V - ADDITIONAL CRITERIA FOR PERMITTED USES, CONDITIONAL USES AND ACCESSORY USES IN EACH DISTRICT**

## **Section 500: Additional Criteria and Provisions for Residential and Agriculture Uses**

### **500.1: Mobile homes, provided:**

1. Self-contained mobile home units must have a floor area of 750 square feet or more, provided they conform to all regulations applicable to single-family dwellings.
2. Mobile home square footage shall be determined by the certificate of title of the mobile home. In addition, tip outs may be used in determining mobile home square footage.
3. Solid skirting shall be provided on all mobile homes.
4. Mobile homes shall be placed upon a cellar foundation or a mobile home stand made of a concrete pad or concrete piers.
5. Each mobile home foundation or stand shall provide adequate tie downs, able to withstand a wind pressure of 15 lbs. per square foot on an exposed vertical surface. Both "over the top" and frame tie downs shall be required. The strapping for any "over the top" tie downs shall be of 4700 lb. tensile strength.

### **500.2: Mobile home Parks, provided:**

1. They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the mobile home park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.



**500.3: Bed and Breakfast House, provided it is a conversion of an existing dwelling and:**

1. The appearance of the structure shall not be altered to differ from its residential character.
2. Guests may stay up to and no more than fourteen (14) consecutive days.
3. It shall provide board (meals for pay) only to guests rooming on the premises.
4. The building to be used as the Bed and Breakfast shall also be the principal residence of the Proprietor(s). Proprietor is herein defined as the person who is financially at risk through the method of operation of the Bed and Breakfast.

**500.4: Special Event Barn, provide:**

1. Event Management Plan. Owner/operator shall maintain an event management plan that includes but is not limited to all applicable conditions of approval, approved Use Permit and plot plan, traffic management plan, exhibit map showing all closest surrounding sensitive receptors, and all other operational limitations. A copy of the event management plan shall be provided to the Zoning Officer.
2. Traffic and Circulation. The traffic management plan shall be approved by the zoning officer. The traffic management plan shall include the following requirements and standards:
  - a. Approved access conforming to County improvement standards as determined by the zoning officer.
  - b. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Fire Department and Municipal Ordinance 2018-1.
  - c. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
  - d. A parking attendant(s) shall direct traffic into the facility and towards available parking during the arrival of guests. Attendants shall direct traffic leaving the facility at the conclusion of the event. This shall apply when 50 (fifty) or more cars are expected for the special event.



- e. The location of all temporary direction signs on driveway entrance and within parking lots to ensure orderly flow of traffic. Temporary directional signs shall be placed prior to all events and promptly removed at the conclusion of the event.
3. Operational Limitations.
- a. Special Event Barn shall be operated accessory to the owner's primary residence. No Special Events Barn shall be permitted where no residential use exists .
  - b. An operational period is limited to the hours of 7:00 am to 10:00 pm on Monday - Thursday, 7:00 am to 11:00 pm on Friday, 9:00 am to 11:00 pm on Saturday, and 9:00 am to 10:00 pm on Sunday.
4. Lighting.
- a. All outdoor lighting associated with the special event shall be turned off 1 hour after the operation time limits.
  - b. Outdoor Lighting in order to reduce light trespass and glare. Outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.
5. Signage. In accordance with the Wilmington Township Sign Ordinance 2021-2.
6. Dust Control. Fugitive dust shall be minimized by reducing vehicle speeds on driveways and parking areas and, during visibly dry conditions, the application of water or other approved dust palliative.
7. Parking. In accordance to Article VIII of the Zoning Ordinance.
- 1) Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on a State or Township road, on other public property, or on private property other than that on which the Special Event Barn is located.
8. Special Event Barns shall be accessory to the agricultural use and the owner's residence. No Special Events Barns shall be permitted where no residential use exists on the property.

9. Special Event Barns are only when not interfering with agricultural operations.
10. Special Event Barns shall not convert agricultural land to an alternative use for the purpose of developing or expanding a Special Event Barn.
11. Any additions or changes to a barn to accommodate a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the Barn except as necessary to provide safe use by patrons, and all additions or changes shall comply with applicable building codes.
12. Pyrotechnics - Pyrotechnic displays shall be limited to the Saturday before until the Saturday after the Fourth of July only.
13. Trash - All trash must be stored within a commercial dumpster and dumpster area must be fenced on all sides with wood or Vinyl fencing six feet tall. Trash shall be removed within 48 hours following the end of every special event.
14. The parcel on which the Special Event Barn is located shall be at least ten (10) acres in size and able to accommodate all facets of the event within the boundaries of the property.
15. Restrooms - If the Special Event Barn does not include sufficient restroom facilities to meet building code requirements then portable restroom facilities, approved by the Township Sewage Enforcement Officer, are required.
16. Insurance - The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.
17. Any Structure being used as a Special Event Barn shall be inspected and approved by a certified engineer approved by the Township, and a copy of the engineer's report shall be submitted to the Township Zoning Officer prior to the issuance of the Zoning Permit. The structure must also be inspected and approved by the Township Zoning Officer and the Township Building Code Officer prior to the issuance of the Zoning Permit.
18. Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.

**500.5: Home Occupation as defined in this Zoning Ordinance, provided:**

1. The principal building on the lot is a dwelling unit.
2. The following standards are complied with in full at all times:
  - a. The residents of the dwelling unit and not more than one (1) other person are engaged or employed in the home occupation;
  - b. The home occupation shall be incidental and subordinate to its use for the residential purposes and not more than 25% of the floor area of the dwelling unit shall be used for the home occupation.
  - c. No more than one (1) home occupation shall utilize an accessory structure on the lot.
  - d. A home occupation utilizing an accessory structure shall not use an amount equal to more than 50% of the floor area of principal structure for the purpose of the home occupation.
  - e. No alteration of the residential appearance of the premises occurs;
  - f. No process is used which is hazardous to public health, safety, morals or welfare;
  - g. It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
  - h. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
  - i. Visitors, customers or deliveries shall not be excessive as to cause a disturbance to the residential character of the zoning district; and
3. The Zoning Officer has approved of the use as a Home Occupation, in accordance with the following:
  - a. A home occupation shall require the submission of a Letter of Classification of Use to the Zoning Officer. The letter shall address a specific use. The Zoning Officer shall decide requests for a Letter of



Classification of Use based upon the intent of the home occupation provisions and experience with similar uses.(See Attachment A).

- b. When the Zoning Officer approves of a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Permitted Uses as Home Occupations. In addition, when the Zoning Officer denies a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Prohibited Uses of Home Occupations.
- c. The decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

**500.6: No-impact Home Based Business as defined in this Zoning Ordinance, provided:**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- h. The business may not involve any illegal activity.

**500.7: Second Dwelling on Farm for Agricultural Labor, provided:**

1. The farm shall be at least a minimum of 75 acres, and located in the R-1-A only.
2. The dwelling shall be for the specific purpose of housing a person who performs agricultural labor for that specific farm.
3. The dwelling shall be located a sufficient distance from the principal structure to allow future subdivision of the property to occur.

**Section 501: Additional Criteria and Provisions for Business Uses**

**501.1: Automotive Service Establishments including but not limited to a fuel service station, repair and service facility, and auto parts sales, provided:**

1. Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.
2. Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
3. Access drives shall not exceed two per lot on any one street frontage.
4. Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.
5. No vehicles shall be parked or stored along the front property lines.
6. Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

**501.2: Convenience store, provided:**

1. Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.
2. Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
3. Access drives shall not exceed two per lot on any one street frontage.

4. Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.
5. No vehicles shall be parked or stored along the front property lines.
6. Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

**501.3: Service Facility on a lot occupied by an Automotive Establishment for the service of Gas, Oil, Air or Water or Repair Facility, provided:**

1. Any such equipment shall be at least 15 feet from any alley or street right-of-way.
2. Any such equipment shall be at least 100 feet from any lot line of any Residential Zoning District or hospital, church or school.

**501.4: Storage of Inflammable Liquids on a lot occupied by an Automotive Establishment, provided:**

That it shall be stored as approved by the Commonwealth of Pennsylvania.

**501.5: Any Other Accessory Use to Principal Business Use, which is not listed in this ordinance, provided:**

1. It shall be customarily incidental and subordinate to the permitted principal use.
2. It shall be located on the same zoning lot as the principal use.
3. It shall have been approved by the Zoning Hearing Board.

**501.6: Major Solar Energy Systems ("MSES"):**

Major Solar Energy Systems ("MSES"), notwithstanding any provision of the Zoning Ordinance to the contrary, shall be permitted by special exception provided the application complies with the following conditions and requirements:

1. Plans for the MSES shall be submitted for review according to the provisions of the Mercer County Subdivision and Land Development Ordinance as a Major Land Development Plan.
  - a. The single MSES Development Area may include improvements on a single or multiple properties, under single or multiple ownership.



- b. Subdivision of properties shall not be required when a MSES Development Area includes improvements within an identified lease area that is less than the entire lot or tax parcel.
- 2. Number of Principal Structures and Uses on a Lot. For purposes of the requirements of Section 501.6 of the Zoning Ordinance, the MSES structures or use may be permitted as a planned exception as identified in Section 901.1 that includes multiple structures as a single principal or accessory use. Such use may be under single lease area covering a single or multiple properties, under single or multiple ownership.
  - 3. Minimum Site Size. The MSES shall be installed on a MSES Development Area of at least fifty (50) acres.
    - a. The MSES Development Area shall include all principal and accessory structures, which includes all of the solar panel arrays (including the spaces between the rows of arrays), distribution wires, batteries, storage cells and all other mechanical equipment using solar radiation to generate, store, and distribute energy.

This area also shall include any substations and inverters as well as access driveways providing access to a public road, buffers, utilities and stormwater management facilities. All of the solar panel arrays (including the spaces between the rows of arrays), distribution wires, batteries, storage cells and all other mechanical equipment in the MSES Development Area shall be enclosed within a minimum six (6')-foot tall security fence. This area shall be identified as the MSES Fenced Area.

      - i. The MSES Fenced Area may exclude any wetlands or environmentally sensitive areas.
      - ii. The MSES Fenced Area also may exclude any access driveways providing access to a public road, buffers, utilities or stormwater management facilities that are not enclosed by such fence; and
    - b. The MSES Development Area shall be permitted to be located on one (1) or more lots or tax parcels that do not need to be under common ownership so long as the Applicant of the MSES provides written authorization from the owner(s) of all lots or tax parcels on which the MSES Development Area will be located.
  - 4. Minimum Yard Setbacks.

- a. The MSES Development Area shall comply with all minimum yard setback requirements for principal structures established in the applicable zoning district, except that the MSES Development Area shall be located a minimum distance of 50 feet from all exterior lot lines. This yard setback requirement shall not be applicable to contiguous interior property lines bisecting the MSES Development Area.
- b. Access driveways, utilities and stormwater management facilities that are not enclosed within the required fence surrounding the MSES Development Area shall be permitted to be located within the required yard setbacks where buffer and screening is provided as required in Section 501.6 below.

5. Minimum Buffer Area/Screening.

- a. Any required buffer and screening planting shall be located outside of the required fencing that surrounds the equipment within the MSES Fenced Area.
- b. Within the minimum yard setbacks as required, a minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the MSES Fenced Area.
- c. Vegetation Preservation. Except in connection with installation and operation of the MSES, access driveways, utilities and stormwater management facilities, existing onsite vegetation shall be preserved to the maximum extent practicable.
- d. Access driveways, utilities and stormwater management facilities that are not enclosed within the required MSES fenced area may be permitted to be located within the required buffer area where screening is provided as required.
- e. Where the MSES Development Area, not including any access driveways providing access to a public road, is located within 100 feet of (i) an existing residential dwelling located on an adjoining lot or (ii) a boundary of the R-1 or R-2 Residential districts, the buffer area shall be suitably planted and screened as may be required by the Planning Commission. The buffer area may include a combination of preserved existing mature vegetation and/or newly installed vegetation, walls or fences, or topography, or other screening treatment, so as to achieve a minimum of 50% opacity throughout the year, at a minimum height of six (6')-feet, within five (5) years of the MSES commencing operation.



6. Site Disturbance.

Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of the MSES site, access driveways, utilities and stormwater management facilities shall be minimized to the extent practicable. An erosion and sedimentation control plan shall be required in accordance with the requirements of the Pennsylvania Department of Environmental Protection and Mercer County Conservation District to control erosion and sedimentation at the perimeter of disturbance during the construction of the MSES.

7. Maximum Lot Coverage.

The MSES Fenced Area, which contains all of the principal and accessory structures of the MSES, shall not cover more than forty percent (40%) of the collective area of the lot or lots on which the MSES Development Area is located.

8. Access, Off-Street Parking and Off-Street Loading.

- a. A minimum 10-foot wide gravel access driveway shall be provided within a minimum 20-foot wide access easement connecting the MSES Development Area to a public or private road, to assure adequate emergency and service access is provided.
- b. Access driveways and aisles provided and installed for onsite circulation and maintenance between the rows of solar panel arrays within the MSES Fenced Area may be grass covered provided sufficient gravel or stable access driveways are available for emergency access.
- c. No additional off-street parking spaces and off-street loading spaces are required. Therefore, the requirements of Article IX [Parking and Loading Regulations] of the Zoning Ordinance are not applicable.

9. Maximum Height.

- a. Solar panel arrays must be ground mounted and shall not exceed 20 feet in height when oriented at maximum tilt.
- b. Except as permitted in Section 902.2 [Height Regulations Not Apply] of the Zoning Ordinance, all other equipment shall not exceed 20 feet in height.



- c. All buildings shall not exceed the maximum building height for the application zoning district.

10. Glare.

Solar panel arrays shall incorporate anti-reflective surfaces or be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjoining properties or roads.

11. Noise.

In addition to the yard setback requirements of Section 501.6 above, substations and inverters shall be set back a minimum distance so that noise levels from such substation or inverter shall not exceed 40 dBA when measured at the exterior lot line. The applicant for the MSES shall provide to the Zoning Hearing Board during the special exception approval process equipment specifications and/or propagation evidence and a certified report that demonstrates the noise to be generated by the proposed substation and inverters and demonstrates compliance with the noise limitation set forth above. Additional buffer measures may be required where the noise limitation cannot otherwise be met.

12. Signs.

Warning/safety signs indicating voltage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except:

- a. Manufacturer's, installer's or operator's identification;
- b. Appropriate warning signs and placards;
- c. Signs that may be required by a federal or state government agency; and
- d. Signs that provide 24-hour emergency contact information, including address, telephone number.

13. Abandonment.

Upon commencing commercial operation, any MSES that has not generated electricity for a period of 12 consecutive months shall be deemed to be abandoned and shall be decommissioned within 12 months from the date it is deemed abandoned. A decommissioning plan shall be submitted as part of the zoning permit application for such MSES and shall include, but not be limited to, the following:

- a. A schedule and methods for the removal of such MSES;
- b. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such MSES, including grading and vegetative stabilization;
- c. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan, which shall be submitted as part of the zoning permit application for such MSES; and
- d. Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.

## **Section 502: Additional Criteria and Provisions for Industrial Uses**

### **502.1: Trucking Facilities including:**

1. Motor Freight terminals.
2. Truck service facilities for the sale of petroleum products (primarily for the trucking industry or facilities for repair or maintenance service.)
3. Motor freight relay stations.
4. Refueling or service facilities for motor freight carriers privately owned by trucking companies.
5. Truck-stops; i.e., separate or integrated facilities providing eating and/or sleeping accommodations, refueling facilities or minor repair or service facilities.
6. Other related facilities, whose basic function is to serve the trucking or motor freight industry.

### **502.2: Inflammable Liquid Storage, provided:**

1. It shall be approved by the Fire Chief of the Township and the Commonwealth of Pennsylvania.

2. It shall not be located within 50 feet of any lot line in any Residential Zoning District or within 25 feet of any adjoining lot line.
3. The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

**502.3 Office, Restaurant, Recreation Use, Museum and/or Hospital Use, provided:**

1. It shall be clearly incidental to a particular industry.
2. It shall be on the same lot as the industrial use or establishment it serves.

**502.4 Structure or Service Facility on a lot occupied by an Automotive Gasoline Station or Automotive Garage for the Service of Gasoline, Oil, Air or Water, provided:**

Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any Residential Zoning District, not less than 100 feet from any hospital, church, playground, or public building.

**502.5 Any Other Accessory Use to Principal Industrial Use, provided:**

1. It will further the welfare and best interests of the Township.
2. It shall be subject to the Provisions of Use prescribed in Article VI.
3. It shall be customarily incidental and subordinate to the principal permitted use.
4. It shall be located on the same lot as the principal use.
5. It shall be approved by the Zoning Hearing Board.

**502.6: Adult Entertainment Establishments, provided:**

They shall comply with all applicable provisions outlined in Article IX - Supplementary Regulations Section 906.

**Section 503: Additional Criteria and Provisions for Any Other Uses**

**503.1: Parking Lots and Structures, provided:**

1. There shall not be any vehicle parked within 10 feet of any Residential Zoning District.
2. There shall not be any automotive repair facilities located on the lot.



3. There shall not be any storage of materials, junk, or any equipment on the lot.
4. There shall not be any vehicle parked in front of the front or side street building setback lines.

**503.2: Governmental or Governmental Authority Facility, Service Structure or Use, provided:**

1. It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.
2. It shall be authorized by a governmental agency.

**503.3: Public Utility Facility, Service Structure and/or Use, provided:**

1. It shall not include any type of equipment which will in any way interfere with local radio or television communications or' otherwise be detrimental to the surrounding area.
2. It shall not include a business facility, repair-facility, a power generating station, storage of materials, and storage of any repair or trouble crew outside a structure.
3. It shall be reasonably necessary to adequate distribution of service.
4. That the structure(s) be compatible with other permitted structures in the District in which it is located.

**503.4: Loading Area, provided:**

1. There shall not be any storage of material, junk or any equipment on the area.
2. There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
3. There shall not be any vehicle loading or unloading within ten (10) feet from any front or side yard setback line.

**503.5: Storage or Parking of a Recreational Vehicle or Non-agricultural commercially Licensed Vehicle, provided:**

1. It shall comply with the height and area regulations for accessory structures.
2. It shall be limited to no more than one recreational vehicle and/or one non-agricultural commercially licensed vehicle.
3. It shall not be used for human habitation.



## **ARTICLE VI - DEVELOPMENT REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL USES**

**Applications for Zoning Permits for any development of Multifamily, Commercial or Industrial Use shall be accompanied by a complete Land Development Plan according to the Mercer County Subdivision and Land Development Ordinance. Building permits shall be provided as requested subject to UCC code.**

### **Section 600: Development Regulations for Any Non-Farm Related Residential Single-Family or Two-Family Uses**

#### **600.1: Stormwater Management**

As required by Wilmington Township Ordinance #2011-2

#### **600.2: Parking and Loading Regulations**

Subject to the provisions of Article VIII.

#### **600.3: Sign Regulations**

Subject to the provisions of Wilmington Township Sign Ordinance.

### **Section 601: Development Regulations for Any Multiple-Family Residential Uses**

**Multiple-Family Dwellings** may be approved as a permitted or conditional use subject to the following application requirements and as may be reviewed and approved by the Township Board of Supervisors.

**Application Requirements** - All applicants for multiple family residential developments shall make application in writing, at a regularly scheduled meeting of the Township Supervisors. The application form shall be accompanied by the necessary supporting documentation as specified;

- 1) **Restrictions** - The substance of covenants, grants, easements, or other restrictions imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities, storm water retention facilities, open space facilities, etc.



- 2) **Condominiums** - Where the condominium form of ownership is proposed the development shall conform to all applicable sections of Act 82 of 1980, of the Pennsylvania Legislature entitled the "Uniform Condominium Act", in addition to the requirements of this Ordinance.
- 3) **Typical building elevations and Floor Plans** - The Developer shall submit a plan showing the intended building design and layout with proper elevations. These must also be provided for building code reviews. Building permits shall be provided as required by UCC or other building codes as necessary.
- 4) **Plan Requirements** – Applications for Zoning permits for any Multiple family Residential development shall be accompanied by a complete Land Development Plan as specified in the Mercer County SALDO. MCRPC may not approve LDP plans until Township requirements for zoning and other ordinances have been approved.
  - a) **Site Development Plan** - The Developer shall submit five (5) copies of a detailed site plan as prepared by a registered professional engineer, architect or landscape architect showing the development proposal in conformance with all applicable provisions of this Ordinance. Plans shall be prepared at a scale of 1" = 50' *or better so that all information is readable.*
  - b) **Open Space and Landscape Plans** – The Developer shall submit an open space and landscaping plan. Plan shall include any proposed improvements to and within the open space areas plus typical planting plans for all structures. Lighting plans shall also be provided for review [may not cast light onto adjacent properties or glare onto roads or obstruct....*or see design requirements Section 601.1.*]
  - c) **Phased Development Plan** – Development plans which call for construction over a period of years, must be accompanied by a Phased Development Plan showing when each and all sections of the development will be filed (submitted) for final approval. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.
  - d) **Soil Erosion and Sedimentation Control Plan** – The Developer shall submit a Soil Conservation Service approved Soil Erosion and Sedimentation Control Plan.
  - e) **Storm Water Management Plan** – Storm Water Management Plans shall be prepared in accord with the Wilmington Township Storm Water Management Ordinance #2011-2.

**Application Review Process** - The foregoing shall be considered minimum requirements for conditional approval of a Multi-Family Residential Development application. Where unique design concepts or other circumstances exist requiring deviation from the format, the Developer shall submit additional data as is necessary to completely explain the proposal.

- 1) **Application Review** – Upon receipt of a complete development application, the Supervisors shall forward one copy to the Township Planning Commission and one copy to the Zoning Officer for review and report.

**Review** – The Zoning Officer and Planning Commission shall review the proposed development to determine that it is in compliance with all applicable provisions of the Zoning Ordinance, and all other applicable regulations of the Township.

Upon review, all comments may be provided to the developer and MCRPC.

Within forty-five (45) days of receipt of the application, the Zoning Officer and Planning Commission shall file a written report of their findings with the Township Supervisors.

- 2) **Plan Approval** - The Supervisors shall render their decision based upon the specific conditions in this section and all other applicable sections of this Ordinance, and transmit it, in writing, to the applicant not later than ninety (90) days following the date of the regular meeting of the Supervisors, next following the date the application is filed; provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
- 3) **Application Amendments** - The Application may be amended or otherwise changed within the ninety (90) day review period without effecting the review time period provided such changes are submitted no less than thirty (30) days prior to the Supervisors meeting at which the decision for approval or disapproval is to be made.

#### **601.1: Site Requirements**

In the review and in addition to all other requirements of this Ordinance, the Zoning Officer and planning Commission shall assure that the development application has provided for the following:

- a) Interior drives and an automobile parking arrangement that prevents blockage of vehicles entering or leaving the site and minimal conflicts between pedestrian/vehicular and vehicular/vehicular points of intersection or contact achieved by the use of architectural barriers.
- b) Areas for loading and unloading delivery trucks and other vehicles and for the servicing of the premises by refuse collection, fuel and other service vehicles and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- c) Screened storage of any proposed outside materials that abuts any public right-of-way and any residential district.
- d) Any proposed display of signs which does not constitute a hazard to public safety by reason of location, content, coloring, or manner of illumination or by any other display method so as to obstruct or detract vision at drives or free ingress from a site, window, fire escape or door.



- e) Adequate easements or rights-of-way for drainage and utilities with notes regarding allowed use or referencing written agreements.
- f) Any proposed exterior lighting of the premises that does not create a traffic hazard or interfere with the quiet enjoyment of surrounding uses.
- g) Any proposed screening or landscaping that by reason of location or height does not constitute a traffic hazard.
- h) Parking and Loading Regulations - Subject to the provisions of Article VIII.
- i) Sign Regulations - Subject to the provisions of Wilmington Township Sign Ordinance 2021-2

## **Section 602: Development Regulations for Any Business Use**

### **602.1: Provisions of Use**

Any permitted principal and/or accessory business use shall be subject to the following use regulations.

- 1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or solid wall or fence of at least six (6) feet in height.
- 2) Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- 3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- 4) Any part or portion of a lot developed for commercial uses which is not used for buildings, other structures, parking or loading spaces or aisles, driveways, sidewalks and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.



- 5) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
- 6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- 7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

#### **602.2: Buffer and Screening Requirements for Any Business Use**

Where any permitted principal and/or accessory business use, excluding any government services or public utilities abuts any land zoned Residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- 1) A building setback of at least 40 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use.
- 2) Inclusive in the 40 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use. Buffer strips shall not be used for parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
- 3) The buffer strip shall contain suitable screening of the following type:
  - a) A sight-obscuring planting of two off-set rows of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted.. The evergreen specimen shall be of a type suitable to the surrounding area, as determined by the Zoning Officer.
- 4) Areas of the buffer strip not covered with a fence, wall or screening plantings shall be planted with grass or other appropriate ground cover vegetation.
- 5) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 180 days. Grass shall be kept neatly mowed.

- 6) **Modifications:** On lots of 20,000 square feet or less, where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical and does not adversely affect adjacent properties.

### **602.3: Parking and Loading Regulations**

Subject to the provisions of Article VIII.

### **602.4: Sign Regulations**

Subject to the provisions of Wilmington Township Sign Ordinance 2021-2.

## **Section 603: Development Regulations for any Industrial Use**

### **603.1: Provisions of Use**

Any permitted principal and/or accessory industrial use shall be subject to the following use regulations.

- 1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or by evergreens at least six (6) feet in height at time of planting and planted not further apart than six (6) feet so as to form a solid screen.
- 2) Access driveways and entrances shall be paved or concreted. Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- 3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- 4) Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, parking or loading spaces or aisles, driveways, sidewalks and designated storage areas shall be planted and maintained with grass or other all season ground cover



vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.

- 5) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
- 6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- 7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

### **603.2: Buffer and Screening Requirements for any Industrial Use**

Where any permitted principal and/or accessory industrial use, excluding government services and public utilities, abuts any land zoned residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- 1) A building setback of at least 40 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercial or industrial zoned lot with an existing residential use.
- 2) Inclusive in the 40 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a residential district or a business district with an existing residential use. Buffer strips shall not be used for parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
- 3) The buffer strip shall contain suitable screening of the following type:
  - a) A sight-obscuring planting of two off-set rows of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area as determined by the Zoning Officer.
- 4) Areas of the buffer strip not covered with a fence, wall or screening plantings shall be planted with grass or other appropriate ground cover vegetation.
- 5) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or



walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 180 days. Grass shall be kept neatly mowed.

- 6) Modifications: On lots of 20,000 square feet or less, where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

### **603.3: Parking and Loading Regulations**

Subject to the provisions of Article VIII.

### **603.4: Sign Regulations**

Subject to the provisions of Wilmington Township Sign Ordinance 2021-2.

## ARTICLE VII - SIGN REGULATIONS

### Section 700: Purpose

Signs may be erected and maintained only in compliance with all applicable provisions of the Wilmington Township Signage Ordinance #2021-2 as amended, and any regulations of the Township relating to the location, size, height, lighting, alteration or maintenance of signs as defined.

The purpose of sign regulations are:

- A. to encourage the effective use of signs as a means of communication in the Township;
- B. to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Township 's ability to attract sources of economic development and growth;
- C. to improve pedestrian and traffic safety;
- D. to minimize the possible adverse effect of signs on nearby public and private property;
- E. to enable the fair and consistent enforcement of these sign restrictions.

## **ARTICLE VIII - PARKING AND LOADING REGULATIONS**

### **Section 800: Off-street Parking and/or Loading Facility Requirements**

#### **800.1: New Use of a Structure and/or Land**

Parking and/or loading facilities for new uses of any structure or land shall be provided in accordance with the following schedules.

#### **800.2: Increase in Intensity of Use of a Structure and/or Land**

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

#### **800.3: Change in Use of Structure and/or Land**

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use.

#### **800.4: Size of Parking and Loading Spaces**

1. Parking Space - Not less than nine (9) feet wide and eighteen (18) feet long.
2. Loading Space - Not less than twelve (12) feet wide and thirty (30) feet long and fourteen (14) feet high.
3. Loading Space for wholesale or industrial uses - twelve (12) feet wide and fifty (50) feet long.
4. Space Shall Not Include: Aisles or turnaround area.



**800.5: Required Parking Spaces for Each Use**

<b>Residential Uses</b>	<b>Required Parking Spaces</b>
Apartment Hotel, Apartment House	1.0 for each dwelling, apartment or rooming unit or any combination unit, plus one additional space if over 5 units.
Boarding Units, Convalescent Unit, Lodging Unit or Rooming Unit	1.0 for each sleeping unit, plus an additional space if over 5 units.
Convalescent Home, Hospital, Sanatorium, Sanitarium, or Institutional Home	1.0 for each 400 square feet of gross floor area
Mobile Home Park, or Recreational Vehicle Park	1.0 for each mobile home or recreational vehicle lot, cottage, or tent
Dwelling, or Public Housing	1.0 for each dwelling unit
Home Occupation	2.0 in addition to spaces required for the dwelling

<b>Business Uses</b>	<b>Required Parking Spaces</b>
Boarding House, Rooming House, Lodging House	1.0 for each rooming unit plus 1.0 additional space if over 5 units.
Business School or College	1.0 for each 200 square feet of gross floor area
Club	1.0 for each 200 square feet of gross floor area
Eating and/or Drinking Establishment	1.0 for each 200 square feet of gross floor area
Hotel, Motel, Tourist Court	1.0 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25
Mortuary or Funeral Home	1.0 for each 1000 square feet of gross floor area used for mortuary purposes plus 1.0 additional for each dwelling unit
Office Establishment	1.0 for each 200 square feet of gross floor area
Retail Establishment	1.0 for each 200 square feet of gross floor area
Service Establishment	1.0 for each 200 square feet of gross floor area

<b>Transportation Uses</b>	<b>Required Parking Spaces</b>
Automotive Service Establishment	1.0 for each 500 square feet of gross lot area of

	1.0 for each 200 square feet of gross floor area whichever requires the greater number of spaces
--	---

<b>Wholesale Uses</b>	<b>Required Parking Spaces</b>
Warehouse and/or Wholesale Establishment	1.0 for each 500 square feet of gross floor area

<b>Industrial Uses</b>	<b>Required Parking Spaces</b>
Industrial Plant, Manufacturing	1.0 for each 2.0 employees on largest shift
Other Industrial Uses	1.0 per employee on the largest shift, plus 1.0 per company vehicle regularly stored on premises

<b>Community Facilities</b>	<b>Required Parking Spaces</b>
Governmental Facility, Service Structure, and/or Use (other than a place of public assembly)	1.0 for each 200 square feet of gross floor area
Church, Church School, Church Use	1.0 for each employee and 1.0 for each 200 square feet of gross floor area
Group Housing- Dormitory, Fraternity House, Sorority House, Nurses House, Youth Home, Hospital or Similar Institutional Housing	1.0 for each sleeping room or 1.0 for each 500 square feet of gross floor area
School, College, Day Nursery School, High School or College	1.0 for each classroom plus in a 1.0 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity or sorority house and/or office establishment
Place of Public Assembly such as an Auditorium, Hall, Gymnasium, or Theater	1.0 for each 3 units of seating capacity.

<b>Public Utility Facilities</b>	<b>Required Parking Spaces</b>
Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment)	1.0 for each employee but not less than 3.0 spaces



<b>Mixed Uses</b>	<b>Required Parking Spaces</b>
Any Mixed Uses	The sum of the various uses computed separately

#### **800.6: Required Loading Spaces**

<b>Uses</b>	<b>Required Loading Spaces</b>
Any Apartment Hotel, Apartment House, Multiple Family Dwelling, Community Facility, Public Utility Use, Business Use, Transportation Use, Agricultural Products Processing Use, Wholesale Use or Industrial Use which has an aggregate gross floor area of 10,000 square feet or more	1.0 plus 1.0 additional space for each 20,000 square feet of aggregate gross floor area, provided: (a) not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 80,000 square feet in which case there shall be 1.0 additional space for each additional 40,000 square feet in excess of 20,000 square feet.

<b>Mixed Uses</b>	<b>Required Loading Spaces</b>
Any mixed uses	The sum of the various uses computed separately

### **Section 801: General Provisions**

#### **801.1: Location of Required Parking Facilities**

The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve.

#### **801.2: Location of Required Loading Facilities**

The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

#### **801.3: Use of Required Parking and/or Loading Facilities by Another Use**

Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review of the Zoning Hearing Board.





#### **801.4: Encroachment and Reduction**

A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

#### **801.5: Off-street Parking and Loading Spaces for Uses Not Specifically Mentioned**

For any use not specifically mentioned in the previous sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

# **ARTICLE IX - SUPPLEMENTARY REGULATIONS**

## **Section 900: Supplementary Lot and Yard Regulations**

### **900.1: Number of Principal Structures on a Lot**

Except in the case of permitted planned development for a cemetery, church, college, multiple-family dwelling development, farms with more than 75 acres, governmental or governmental authority facility, hospital, nursing home, public utility facility, school or planned commercial or industrial development, not more than one principal structure shall be located on a lot.

### **900.2 Subdivision of Lot**

The subdivision of lot(s) shall only be permissible if in accordance with this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

### **900.3: Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots**

On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

### **900.4: Projection into and Occupancy of Yards or Other Open Spaces**

The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

1. Steps, Stoop, Window Sill, Awning, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney - Provided it shall not project more than four (4) feet beyond the face of the wall.
2. Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress - Provided it shall not project more than four (4) feet beyond the face of the wall.



#### **900.5: Porches, Carports, and Similar Attached Accessory Structures Whether Open or Enclosed**

Shall be located in compliance with minimum yard and setback requirements.

#### **900.6: Fences**

The yard and setback requirements of this Ordinance shall not be deemed to restrict any otherwise lawful fence provided that:

1. No fence shall be located on any right-of-way of a public road(R.O.W. Ord. 2016-1).
2. Farms, as defined by this ordinance, shall be exempt from all fencing regulations except as regulated in R.O.W. Ordinance 2016-1.

#### **900.7: Visibility at Intersections and Driveways**

On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than 3 feet above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are 15 feet distant from the point of intersection.

### **Section 901: Supplementary Height Regulations**

#### **901.1: Height Measurement**

Measurement of height shall be the vertical height from the elevation of finished grade at the front of the structure to:

1. In the case of flat roof structures - highest point of coping.
2. In the case of mansard roof structures - deck line of roof
3. In the case of gable or hipped roof - average height of roof peaks.

#### **901.2: Height Regulations Not Apply**

The maximum height limitations for this Section shall not apply to:

1. The Following unoccupied Structures: cellular phone, radio or television tower, or public utility structure which is a permitted use and is located in any Zoning District, provided:
  - a. If over 2 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.

2. The Following Appurtenances Attached to or Part of a Principal or Accessory Structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
  - a. It shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each 2 feet in which it exceeds the maximum height permitted in the Zoning District in which it is located.
3. Existing Designed Structures: The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:
  - a. The building was actually designed and constructed to carry the additional stories necessary for such height.
4. Agricultural uses including barns, silos, machine sheds, cribs, bins, and similar structures not used for human occupancy in I-B and R-1-A zones.

## **Section 902: Mineral Excavation Regulations**

### **902.1: General**

Excavation of sand, gravel, coal, oil, natural gas or other minerals from the ground may be permitted in any Zoning District only as a conditional use upon application to and approval by the Wilmington Township Board of Supervisors, after referral to the Wilmington Township Planning Commission for review and recommendations. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the Zoning District.

### **902.2: Conditions**

Prior to approval of the excavation activities by the Township Supervisors, the applicant for a conditional use shall comply with the following conditions:

1. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Township Supervisors.
2. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Township Supervisors in order that the Supervisors have the opportunity to participate in the inspection.

### **Section 903: Temporary Mobile Homes**

The placement of a mobile home on a temporary basis on the same lot occupied by a principal structure may be permitted in any Zoning District only as a conditional use upon application to and approval by the Wilmington Township Board of Supervisors, after referral to the Wilmington Township Planning Commission for review and recommendations, provided:

1. The mobile home shall be located a minimum distance of at least 30 feet from the principal structure and shall comply with the rear yard requirement for principal structures in the zoning district.
2. The mobile home placement shall be for a period of no more than one (1) year. However, an extension of time may be granted by the Township Supervisors upon request by the property owner.
3. The occupant of the mobile home shall be a relative of the property owner and shall indicate the relationship and intent to occupy the mobile home by co-signing the permit application.
4. The occupant of the mobile home shall only need the use of the mobile home because of a personal or family hardship as determined by the Township Supervisors.

### **Section 904: Agricultural Deed Notation**

The recording of any lot in the Township shall include the following statement within the recorded deed:

“This property is located in an agricultural community and the owner/resident must tolerate the noise, dust, traffic and odors, which are inherent parts of normal farming practices.”

### **Section 905: Group Homes**

#### **905.1: Purpose and Legislative Intent**

It is the purpose of these regulations to recognize and provide for alternative living arrangements which may vary from those of the traditional, biological family and to avoid overcrowding, conserve property values, protect the public health, safety and welfare and preserve the character of residential districts.

#### **905.2: Definitions**

It is the purpose of this subsection, together with its subparagraphs to provide explicit definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of



application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsection unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVII.

***Family*** - a group of individuals related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

***Functional equivalent of a family*** - a group of eight or less unrelated persons living together by choice and without time limitation in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured stable relationship providing organization and stability.

***Group Home*** - (1) a functional equivalent of a family; and (2) a single-family dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for unrelated handicapped individuals where special care is needed.

### **905.3: Dispersal Requirement**

The following dispersal requirement is designed to ensure individuals needing residential treatment will not be forced into enclaves of treatment facilities that would replicate and perpetuate the isolation resulting from institutionalization:

Group Home Developments cannot locate within 10,560 feet of one another.

### **905.4: Conditions**

Prior to approval of operating a Group Home in R-1 or R-2 residential district by the Township Supervisors, the applicant for a conditional use shall comply with the following two conditions:

1. Group homes shall be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the Township prior to beginning the use.
2. Group homes shall be subject to the same limitation and regulations by the Township as single-family non-farm related residential dwellings.

## Section 906 Adult Entertainment Establishments

### 906.1: Purpose and Legislative Intent

1. The location of adult entertainment establishments is of vital concern to the Board of Supervisors of Wilmington Township, especially when the location is in or near areas where minors may learn, play, pass-by, or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Township residents, in particular the minors of the community.
2. Supervisors in enacting these regulations relative to adult entertainment establishments exercise the power which has been granted to them. The Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Wilmington Township.

### 906.2: Definitions

It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article XVII:

- 1) For the purpose of this Article, "*adult entertainment establishments*" are defined as follows:

***Adult Bookstore*** - Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

(a) books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

(b) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

***Adult Cabaret*** - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.



***Adult mini motion picture theater*** -An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

***Adult model studio*** - A motel or similar establishment, offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

***Adult motel*** - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

***Adult motion picture arcade*** - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

***Adult motion picture theater*** - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

***Adult news rack*** - Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

***Adult Piercing*** – A piercing of male or female anatomical areas such as chest, breast, genitals, but not specifically limited to these areas of the body.

***Adult theater***- A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

***Bath House*** - An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified



anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

***Body painting studio*** - Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

***Massage Parlor*** - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

***Out call service activity*** - An establishment or business which provides an Out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

***Sexual encounter center*** - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

- 2) "*Specified anatomical areas*" as used herein shall mean and include any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or breasts below a point immediately above the top of the areolae, or;
  - b. human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3) "*Specified sexual activities*" include the following:

- a. showing of human genitals in a state of sexual stimulation or arousal;
- b. acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
- c. fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

### **906.3: Minimum Spacing and Proximity Requirements**

- 1) No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.
- 2) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
  - a. No such establishment shall be located within 1,000 feet of a dwelling.
  - b. No such establishment shall be located within 5,000 feet of schools, including public and private educational facilities, and school bus stops;
  - c. No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:
    - i. Amusement park;
    - ii. Camp (for minors' activities);
    - iii. Child care facility;
    - iv. Church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
    - v. Community center;
    - vi. Museum;
    - vii. Park;
    - viii. Playground;
    - ix. Other lands where minors congregate.
- 3) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any Adult Entertainment Establishment and any land use specified in paragraph (2.a.b.c) above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the Adult Entertainment Establishment to the closest point on the property line of said land use.

### **906.4: Visibility from the street**

No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

#### **906.5: Sign Requirements for Adult Entertainment Establishments**

- 1) All signs shall be flat wall signs.
- 2) The gross surface area of a wall sign, as defined in section 703, shall not exceed 5 percent of the area of the wall of which such sign is a part of.
- 3) No signs shall be placed in any window. A one and half square foot sign may be placed on the door to state hours of operation and admittance to adults only.



# ARTICLE X - NON-CONFORMING USES, STRUCTURES AND LOTS

## Section 1000: Intent and Standards

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Nonconforming industrial uses shall meet the Provisions of Use for the Industrial District and likewise any non-conforming commercial uses shall meet the Provisions of Use requirements for the Business District when they are either enlarged or expanded.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

## Section 1001: Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots

fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

### **Section 1002: Non-Conforming Uses of Land**

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**1002.1** - No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1000 of this ordinance.

**1002.2** - No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

**1002.3** - If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

### **Section 1003: Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:



**1003.1** - A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

**1003.2** - Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.

**1003.3** - Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

#### **Section 1004: Non-Conforming Uses of Structures**

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**1004.1** - An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming Industrial/Business structures shall meet the Provisions of Use for the I/B zoning district when they are either enlarged, extended, constructed, reconstructed or structurally altered.

**1004.2** - Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**1004.3** - If no structural alterations are made, -any-non-conforming use -of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

**1004.4** - Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.



**1004.5** - When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

**1004.6** - Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

### **Section 1005: Repairs and Maintenance**

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 1006: Uses Granted Under Special Exception Provisions Not Nonconforming Uses**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

# **ARTICLE XI - ADMINISTRATION AND ENFORCEMENT**

## **Section 1100: Office of Zoning Officer**

### **1100.1: Creation of Office**

The Office of Zoning Officer is hereby created.

### **1100.2: Appointment**

The Zoning Officer shall be appointed by the Board of Supervisors as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Board of Supervisors shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Township.

### **1100.3: Official Records**

An Official Record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

### **1100.4: Compensation of the Zoning Officer**

The compensation of the Zoning Officer shall be as determined by the Board of Supervisors.

## **Section 1101: Duties and Powers of the Zoning Officer**

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

### **1101.1: Permits and Certificates of Use and Occupancy**

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses which are permitted as a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

### **1101.2: Annual Report**

The Zoning Officer shall annually submit to the Board of Supervisors a report of all Permits and Certificates of Use and Occupancy, notices issued and orders.

### **1101.3 Right of Entry**

The Zoning Officer shall have the authority to enter at any reasonable hour any land and/or structure in the Township to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, the Zoning Officer shall provide proper identification.

### **1101.4: Classification of Home Occupations**

The Zoning Officer shall maintain and make available upon request to the public the supplemental lists of Permitted and Prohibited Uses as Home Occupations, as addressed in Article V, Section 501.

### **1101.5: Registration of Non-Conforming Uses and Structures**

The Zoning Officer shall identify and register and make available upon request to the public a list of all non-conforming uses in all Zoning Districts that: (1) existed at the time the Ordinance was adopted or (2) are created by subsequent amendments to this Ordinance.

## **Section 1102: Application for Permit and Certificate of Use and Occupancy**

### **1102.1: When Permit is Required**

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, or extend or displace the use of any building, other structure and/or land in the Township without first filing an application with the Zoning Officer in writing and obtaining the required Permit. The failure to file the required application and/or failure to obtain the necessary permit shall be deemed as violations of the Ordinance and shall be enforced as is provided in Section 1106 of the Zoning Ordinance.

### **1102.2: When Permit is Not Required**

A permit shall not be required in instances involving the erection, enlargement, construction, reconstruction, or alteration of a building or structure which is not at least 200 square feet in area nor for any building or structure used primarily for agricultural purposes.



### **1102.3: When a Certificate of Use and Occupancy is Required**

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer.

### **1102.4: Forms of Application**

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1104.

### **1102.5: Plot Diagram**

Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.

### **1102.6: Amendments to a Permit**

Amendments to a permit or other records accompanying it may be filed at any time before completion of the work. The Zoning Officer shall approve all such amendments except for those to permit which have been authorized by action of the Zoning Hearing Board in which case the Board shall approve any amendments. Amendments shall be deemed part of the original application.

### **1102.7: Expiration of Permits**

If work described in any permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

Upon expiration of a permit, work may not continue until either a permit renewal or a new permit has been obtained. The Zoning Officer may issue a permit renewal when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The permit renewal shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the

provision of a reasonable performance bond to ensure completion with the time limit specified in the permit renewal.

### **Section 1103: Action on Permits and Certificates of Use and Occupancy**

#### **1103.1: Action on Permit Application**

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a Permit. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

#### **1103.2: Posting of Permit**

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

#### **1103.3: Revoking a Permit**

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

#### **1103.4: Action Upon Completion**

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notice the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved Certificate of Use and Occupancy within 10 days after receiving notice.

## **Section 1104: Fees**

### **1104.1: Payment of Fees**

No Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Board of Supervisors have been paid.

## **Section 1105: Enforcement Notice**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

## **Section 1106: Prosecution of Violation**

If the Enforcement Notice is not complied with, the Zoning Officer shall request the Township Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).



## **ARTICLE XII - ZONING HEARING BOARD**

### **Section 1200: Creation, Membership and Organization**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

### **Section 1201: Jurisdiction and Functions**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1202: Hearings**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1203: Termination and Modification of Permit**

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

#### **1203.1: Termination of Permits**

If after a Permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

### **1203.2: Modification of a Permit**

Any Permit so issued shall not be modified except by action of the Board.

### **Section 1204: Parties Appellant Before the Board**

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

### **Section 1205: Applications and Fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Board of Supervisors and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **Section 1206: Special Exceptions**

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

#### **1206.1: Other Principal Uses Not Explicitly Permitted Within a Zoning District**

A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Township.



## 1206.2: Accessory Apartments

The purpose of permitting temporary accessory apartments is to:

1. Provide older homeowners with a means of obtaining, through tenants in accessory apartments, rental income, companionship, security and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add inexpensive rental units to the housing stock to meet the needs of smaller households, both young and old;
3. Make housing units available to moderate-income households who might otherwise have difficulty finding homes within the Township;
4. Develop housing units in single-family neighborhoods that are appropriate for household at a variety of stages in the life cycle, thereby lessening fluctuations in neighborhood demand for particular services such as education;
5. Protect stability, property values, and the single-family residential character of a neighborhood by ensuring that the temporary apartments are installed in owner-occupied houses or accessory structures and under such additional conditions as may be appropriate to further the purposes of this ordinance; and
6. To provide rental housing units for people who are handicapped, to allow handicapped individuals who currently own their own houses to remain in them, and generally, to promote access for all people.
7. A Special Use Permit from the Zoning Hearing Board shall be required for any accessory apartment.
  - a. Conditions of Permit
    - i. It shall only be permitted in all residential districts.
    - ii. The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.
    - iii. Only one apartment will be created within a single-family house or accessory structure.
    - iv. The owner of the unit in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bonafide temporary absences.
    - v. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-



family residence. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten (10) percent.

- vi. Conversion of accessory buildings to temporary accessory apartments shall not increase the ground floor area of the original building.
- vii. Maximum floor size required - The temporary accessory apartment shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the buildings total floor area nor greater than eight hundred (800) square feet nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.
- viii. Minimum Floor Size - The temporary accessory apartment shall have at least 300 square feet of floor area.
- ix. The design and size of the apartment conforms to all applicable standards in the health, building, and other codes.
- x. At least three off-street parking spaces are available for use by the owner-occupant(s) and tenant(s).
- xi. Any other appropriate or more stringent conditions deemed necessary by the Zoning Hearing Board to protect public health, safety, and welfare, and the single-family character of the neighborhood.
- xii. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

b. Application Procedures

- i. Application for a permit for a temporary-accessory apartment shall be made to the Zoning Hearing Board in accordance with the special permit procedures given in this zoning ordinance and shall include:
  - 1. A notarized letter of application from the owner(s) stating that he/they will occupy one of the dwelling units on the premises, except for bona fide temporary absences;
  - 2. A floor plan of 1/4-inch to the foot showing proposed changes to the building;

3. A site plan;
  4. An affidavit certifying that an approved public notice application for a special exception permit for a temporary accessory apartment has been posted on all streets fronted by the applicant's property, and it will remain posted until the public hearing; and
  5. A fee in an amount as specified by the Township Supervisors, to cover costs of processing the application, legal notices, and code inspections.
- ii. Within 30 days of the receipt of an application, the Zoning Hearing Board shall hold a public hearing.
  - iii. Purchasers of homes that had special exception permits for temporary accessory apartments who want to continue renting those apartments must reapply for a permit and must demonstrate that all conditions prerequisite to obtaining the relevant permit, in particular their residence in the home, have been met.
  - iv. Where appropriate, the Zoning Hearing Board will take steps to expedite approval or to give conditional approvals prior to sale in order to protect continued residence by existing tenants.
- c. Renewal of the Special Use Permit

The effective period of the special exception permit shall be two (2) years. At the end of every two (2) years, renewal shall be automatically granted upon receipt of certification by the Zoning Hearing Board that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. The Zoning Hearing Board, in its sole discretion, may require a new application and demonstration of compliance with all conditions necessary for a special use permit.

**1206.3: Small Personal Care Boarding Home, provided:**

1. No fewer than three (3) and no more than eight (8) clients shall occupy such dwelling. (At least 80% of such clients shall be 62 years or older).
2. The operator shall obtain a license from the Commonwealth of Pennsylvania Department of Public Welfare and Department of Labor and Industry.



3. It shall not involve the use of advertising signs on the premises or any local advertising media which calls attention to the fact that the home is used for business purposes, except those permitted in Section VII.
4. In no way shall the appearance of the structure be altered or occupation within the residence be conducted in a manner which would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
5. The parking need generated by the conduct of a personal care boarding house shall be met off the street and other than in the required front yard at a rate of 1 stall for each three (3) residents including clients.
6. If the dwelling structure to be converted is not served by public sewer, the request for a building permit must be accompanied by a statement from an officer of the Pennsylvania Department of Environmental Protection certifying that proposed on-lot sewage disposal system is adequate.

**1206.4: For the Sale or transfer of Ownership of Dwelling Units within a Two-Family Semi-Detached Duplex Dwelling, provided:**

1. Where a two-family semi-detached duplex dwelling with one (1) family living on either side of a common party wall has been constructed and/or approved in accord with all applicable provisions of the Wilmington Township Zoning Ordinance including, but not limited to lot area, yard, and height requirements said duplex may be further subdivide to permit the sale or transfer of ownership of each individual dwelling unit, along with a proportionate share of the approved building lot and any improvements, existing or proposed, thereon. Lots created shall have frontage on a public street and each unit shall have its own entrance drive and entry door. Where conflict exist, in applying zoning standards to the individual dwelling units) i.e., side yard) same be waived by the Wilmington Township Zoning Hearing Board.
2. The rights and responsibilities of the owners in the common building wall between units and similar interests in all other elements of the real estate shall be clearly established in the form of restrictions or covenants running with the land and same shall be attached to and become part of the subdivision plan and subsequent deeds.
3. The proposed subdivision plan, or replat of an existing subdivision prepared for the purpose of transfer of duplex dwelling units and related real estate along with one (1) copy of the restrictions and/or covenants shall be submitted for review and approval by the Mercer County Regional Planning Commission in accord with the procedures of the Mercer County Subdivision and Land Development Ordinance, as amended. Plans submitted shall be approved by the Township Supervisors and special exception granted by the Zoning Hearing Board prior to final plan approval by the Mercer County Regional Planning Commission.



4. Additions, renovations, or other structural changes to the individual units within the duplex shall be reviewed and permits issued within the context of all applicable requirements for a two-family semi-detached duplex dwelling as defined in this Zoning Ordinance and in accord with applicable deed restrictions or covenants.

**1206.5: For the Modification of Off-street Parking and Loading Facility Requirements in any Zoning District, provided:**

1. Such modification shall be consistent with the purpose and intent of such requirements.
2. It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.
3. If after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified.

# ARTICLE XIII - AMENDMENT, SUPPLEMENT OR CHANGE

## Section 1300: Procedure for Amendments

The Zoning Ordinance or parts thereof may be amended or repealed by the Board of Supervisors in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

1. Any amendment, or repeal may be initiated by:
  - a. The Township Planning Commission.
  - b. The Board of Supervisors.
  - c. A notarized petition to the Board of Supervisors by the owner of the property involved or by a party having interest therein.
2. Proposed amendments shall be submitted to the Board of Supervisors at a regular or special meeting of the Board of Supervisors.
3. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Township Planning Commission and Mercer County Regional Planning Commission for review.
4. An application for amendment shall be submitted in a form prescribed by the Board of Supervisors containing the following minimum information:
  - a. Name, address, and phone number of the applicant or his agent.
  - b. The applicant's legal interest in the affected property(ies).
  - c. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.
5. Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Board of Supervisors.

## **ARTICLE XIV - APPEALS**

### **Section 1400: Zoning Appeals**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Board of Supervisors or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

## **ARTICLE XV - VALIDITY**

### **Section 1500: Severance**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

## **ARTICLE XVI - REPEAL**

### **Section 1600: Repeal of 1996 Zoning Ordinance**

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Wilmington Township Zoning Ordinance as adopted June 1996 and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the June 1996 Zoning Ordinance shall be valid or applicable as law in the Township.



## ARTICLE XVII - DEFINITIONS

### Section 1700: General Interpretation

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. The following words or phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context or Pennsylvania Municipalities Planning Code, Act 247, as amended, indicates otherwise.

**Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have meanings as in a standard dictionary.**

Words used in the present tense include the future; the singular includes the plural. The word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building".

The word "person" includes an individual or any other legal entity including a corporation, unincorporated association and a partnership. An "agency" shall be construed to include its successors or assigns.

The words "shall" and "will" are mandatory and not merely directory; the word "may" is permissive.

### Section 1701: Definition of Terms

**Abutting.** Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Addition.** Any construction which increases the size of a building such as a porch, attached garage or carport, or new roof or wing.

**Agent or Owner.** Any person who can show written proof that he or she has the authority to act as the property owner.

**Agri-Business (Agricultural Business).** Any business or industry supplying services, goods, or involved in the manufacture and/or processing of agricultural products for retail or wholesale purposes.

**Agricultural Soils, Prime.** Soil established to be as prime by the Mercer County Soil Conservation Service including the capability groupings I thru IV. Productivity of soil classes differs only in the degree of soil management.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot, but not intended for general traffic circulation.

**Alteration.** As applied to a building or structure, is a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, roof, columns, beams and girders.

**Apartment House.** A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

**Apartment Unit.** One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

**Automotive Garage.** A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer.)

**Automotive Service Establishment.** Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as: painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan; repairs of radiator requiring removal thereof or complete recapping or retreading of tires.

**Automotive and/or Trailer Sales Establishment.** The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

**Automotive Wrecking.** The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not



permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**Banquet/Social Hall.** an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other special events. Such use may or may not include; 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

**Basement.** Portion of a building partly underground, having one-half (%) or more than one-half (%) of its floor-to-ceiling height below the average grade of adjoining ground.

**Board of Supervisors.** The Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania.

**Boarding House (also rooming house).** A building or portion thereof, arranged or used for sheltering and feeding for compensation, individuals who are not members of the proprietor's family.

**Boarding Unit.** Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**Breezeway.** Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** A building where both side walls of all except the end structures are party walls.

**Building, Detached.** A building which has no party wall.

**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot from the centerline of any road within which no building or structure shall be placed, unless otherwise indicated in this Ordinance.



**Building Setback Line.** A line on a lot which marks the building setback.

**Carport.** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**Cartway.** That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

**Centerline.** The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

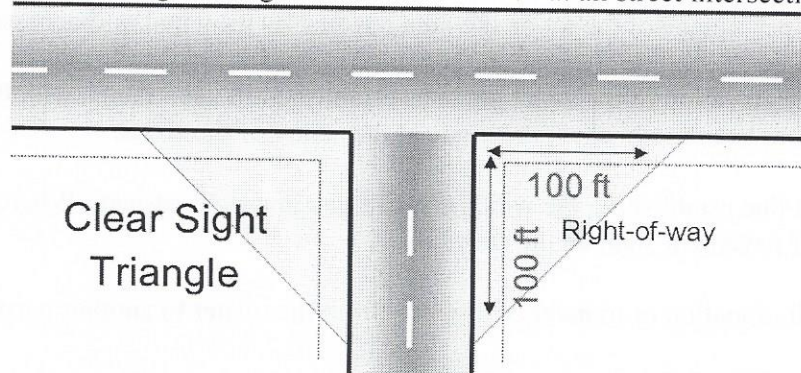
**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Center.** Provides out-of-home care for seven (7) or more children for part of a 24-hour day to children 15 years and younger, including care provided to a child at the parents work site when the parent is not present in the child care space, and including care provided in public or private profit or non-profit facilities. Also, care provided before or after the hours of instruction at non-public and private nursery schools and kindergartens. Definition does not apply to care provided: by a relative; in places of worship during religious services; in a facility where the parent is present at all times child care is provided; during hours of instruction in non-public or private nursery school or kindergarten.

**Church.** A building and/or accessory buildings for public religious worship.

**Clear Sight Triangle.** The clear sight triangle is the area established by measuring 100 feet from the intersection of the street center lines along said center lines. No building, structure, planting, or other obstruction shall be permitted which would endanger public safety along any street or public roadway by obscuring sight visibility along said street. Such clear sight lines shall be maintained free of obstructions as measured between the heights of three feet (3') up to ten feet (10') above the surface of the street.

A one-hundred-foot clear sight triangle shall be maintained at all street intersections.



**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Fraternal Organizations.** An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**Convalescent Home.** A dwelling converted into quarters or new building constructed with quarters for the full-time convalescent chronic care of persons who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Convenience Store.** A retail establishment of limited size (less than 5,000 sq. ft. of building) designed for the sale of sundries, groceries and gasoline (and sometimes diesel &el, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

**Conversion.** The change in a use or a structure.

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Court, Inner.** A court surrounded on all sides by an exterior wall of a structure or by such walls and a lot line.

**Court, Outer.** A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

**Covenant.** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**Coverage.** That percentage of the lot or site area covered by principal and accessory structures.

**Curb Level.** The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

**Curb Line.** The line establishing the width of a cartway in a right-of-way. Where curbs do not exist, the edge of pavement shall be the curb line.

**Dedication.** Gift, donation or transfer of property from the owner to another party.

**Deed Restriction.** See Covenant.



**Dependency Rehabilitation Facility** – A facility or institution, whether public or private, principally engaged in providing services for drug or other dependency rehabilitation services both in-patient and out-patient.

**Development.** Any man-made change to improved or unimproved parcel, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**District.** A district or a zone shall be any portion of the territory of the Township of Wilmington within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Doty House/Accessory House.** An accessory dwelling for the specific purpose of caring for elderly persons.

**Drive-In Business.** A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

**Driveway.** A private roadway providing access for vehicles to parking space, garage, dwelling or other structure.

**Dwelling.** A building arranged and used for permanent residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

**Dwelling, Multiple-Family.** A permanent building have two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for long-term occupancy(See Long-term occupancy) by one family.

**Dwelling, Two-Family.** A permanent building having two (2) dwelling units, each with its own entrance door and designed for and used for occupancy by two families. The Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

**Dwelling Unit.** A permanent building, or portion thereof, providing complete housekeeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures.

**Easement.** A right given by the owner of land to another party for specific limited use of that land.



**Enlargement.** A construction activity which increases the size of a building or other structure.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

**Family.** One or more individuals occupying a dwelling unit and living as single household unit.

**Farm.** A lot, parcel or tract of land used for agricultural purposes on which the principal structure shall be the agricultural building(s).

**Flood.** A temporary overflowing of water on to land which is usually devoid of surface water.

**Floor Area, Gross.** 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 building, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Garage, Private.** A detached accessory building or a portion of a principal building used only for the storage of not more than three (3) private motor vehicles by the families resident upon the premises. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

**Glare** - The effect of reflecting light with intensity sufficient to impair a viewer's ability to see or cause momentary blindness.

**Golf Course.** Attractive land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters.

**Grade.** The degree of raise or descent of a sloping surface.

**Height of Building.** The vertical distance from the grade to the highest point on a building. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home Occupation.** Any accessory use to a dwelling unit located in the residential zoning district designed for financial gain as a business activity involving the sale of goods and services that is conducted entirely from within the dwelling and/or accessory structure located within 500 linear feet of the dwelling unit occupied by the bonafide residents conducting the home occupation.

**Hospital.** A private or public institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc., during illness or injury.

**Hospital, Animal.** A structure designed or converted for the care of and/or treatment of sick or injured animals.

**Hotel.** A facility offering transient lodging accommodations to the general public and offering additional services such as restaurants, meeting rooms and recreation facilities.

**Housing Unit.** Same as Dwelling Unit.

**Junk** Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be dissembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**Junk Yard.** The use of more than 200 square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more junk vehicles stored on any lot outside of a building or not inside a wall or fence shall be considered a junk yard.

**Land.** The solid portion of the earth's surface which is capable of being used or occupied.

**Land, Developed.** "Improved land" with buildings.



**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw.** -Vacant land unsubdivided and unimproved (without utilities or streets).

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Loading Space.** An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** The place where members of a local chapter of an association hold their meetings; and the local chapter itself.

**Lodging Unit.** A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families.

**Long-term Occupancy.** Occupancy/Residency lasting a minimum of one month.

**Lot.** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

**Lot Area.** The total area within the lot lines of a lot.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The average horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage.** An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a road.



**Lot Lines.** The property lines bounding the lot.

**Lot Line, Front.** The line separating the lot from a road right-of-way.

**Lot Line, Rear.** –The lot line opposite and most-distant from the front lot line.

**Lot Line, Side.** Any lot line other than a front or rear lot line.

**Lot Line, Alley.** A lot line separating the lot from an alley.

**Lot, Non-Conforming.** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Lot of Record.** A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Major Solar Energy System (MSES).** A solar energy system that has an alternating current (A/C) capacity of at least 2 megawatts (MW), and, through connections to the electric grid, is capable of producing power for off-site customers even if most or all of such power is normally consumed on-site.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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

**Mobile home Lot.** A parcel of land within a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile home Park.** A parcel or contiguous parcels of land which has so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Mortuary.** A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Motor Freight Terminal.** A lot maintained by a motor freight company which is the original and/or destination point of short or long distance hauling or which is used for the purpose of storing, transferring, loading or unloading of merchandise or for truck parking or storage facilities.

**MSES Development Area.** The total area of a Major Solar Energy System (MSES) that encompasses all of the principal and accessory structures, including all of the solar panel arrays (including the spaces between the rows of arrays), distribution wires, batteries, storage cells, and all other mechanical equipment using solar radiation to generate, store, and distribute energy. This area also shall include any substations and inverters as well as access driveways providing access to a public road, buffers, utilities and stormwater management facilities.

**MSES Fenced Area.** The total area of a Major Solar Energy System (MSES) that encompasses all of the principal and accessory structures, including all of the solar panel arrays (including the spaces between the rows of arrays), batteries, storage cells, substations, inverters and supporting equipment that is enclosed by the required fencing. This area shall not include any wetlands or other environmentally sensitive areas. This area also shall not include any access driveways providing access to a public road, buffers, utilities or stormwater management facilities located outside of the required fencing.

**No-impact home-based business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

**Nursery, also Greenhouse.** Land or greenhouses used to raise flowers, shrubs, or plants for sale.

**One Hundred Year Flood.** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent change of occurring each year, although the flood may occur in any year).

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** An open space on a lot used as an accessory use for the parking of



automotive vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning.** A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

**Person.** An individual, association, co-partner or corporation.

**Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

**Plat.** A map, plan or chart of a section or subdivision of the Township indicating the location and boundaries of individual lots.

**Plot.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Porch.** A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Principal Structure.** See Structure, Principal.

**Projections (into yards).** Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**Public Hearing.** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with, the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

**Public Notice.** Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.



**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the Township, and any other governmental entity, or any non-profit organization which are open to the general public.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

**Recreational Vehicle Park.** A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Road.** Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

**Saw Mills or Planing Mills.** Saw Mills and Planing Mills are permitted as a Conditional Use in the R-1-A district provided that they are associated with a permitted woodland harvesting activity taking place on the same or adjacent parcels of land and shall be discontinued and removed within a reasonable period of time following completion of the associated woodland harvesting operation. Such sawmills or planing mills shall be set back from public roads and parcel lines a minimum distance of one hundred (100) feet and shall be set back from any existing residential structures by a distance of one thousand (1000) feet.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Setback.** See "Building Setback".

**Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Site.** A plot of land intended or suitable for development.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

**Solar Energy System.** A solar photovoltaic collection device and equipment, including supporting infrastructure such as solar panel arrays, distribution wires, batteries, storage cells and all other mechanical equipment using solar radiation to generate, store, and distribute energy. Solar energy systems may include substations and inverters.

**Special Event Barn.** A special event is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a single-family residential use including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event and are not regulated under this section.

**Special Exception.** A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

**Story.** A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including cellar.

**Story, Half.** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $2/3$ ) of the floor area immediately below.

**Street.** See "Road".

**Structure.** A combination of materials forming a construction for occupancy and/or use or ornamentation whether installed on, above, or below the surface of land or water.

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Non-Conforming.** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for



the-purpose, whether-immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**Swimming Pool.** A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

**Terminal.** (1) A place where transfer between modes of transportation takes place; 12.5 A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Terrace.** A natural or artificial embankment which is higher than the curb level.

**Terrace, Height of.** The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

**Trade School (Industrial School).** A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

**Trailer.** Any licensed or un-licensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

**Transient.** Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

**Transient Lodging.** A room or suite of rooms which is occupied not as a principal residence:  
a) By person for periods of less than 30 consecutive days.

**Unit.** Living quarters inside of a larger dwelling unit, which do not contain complete housekeeping facilities.

**Use, Accessory.** A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.



**Use, Non-Conforming.** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the Zoning Hearing Board upon appeal in specific cases, in accordance with the Pennsylvania Municipalities Planning Code, Article VI and IX of, Act 247, as amended.

**Visual Obstruction.** Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Front.** A yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

**Yard, Minimum Dimension.** The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

**Zoning Officer.** The agent or official designated by the Wilmington Board of Supervisors and charged by law with the administration and enforcement of the Zoning Ordinance.

**Zoning Map.** Wilmington Township Zoning Map.

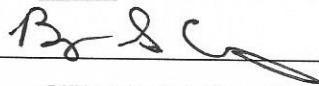
## ARTICLE XVIII - EFFECTIVE DATE

### Section 1800: Effective Date

The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania.

We hereby certify that the Wilmington Township Zoning Ordinance was adopted by the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania this 10<sup>th</sup> day of February, A.D., 2021.

Township of Wilmington  
MERCER COUNTY, PENNSYLVANIA



CHAIRMAN - Board of Supervisors



MEMBER - Board of Supervisors



MEMBER - Board of Supervisors

(SEAL)  
ATTEST:

  
TOWNSHIP SECRETARY



## ARTICLE XIX - CERTIFICATION

### Section 1900: Certification

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_, adopted by the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania on \_\_\_\_\_, A.D., \_\_\_\_\_.

---

TOWNSHIP SECRETARY

# Attachment A

## Wilmington Township

Zoning • Home Occupation  
Letter of Classification of Use

Property Owner's Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Address of Property: \_\_\_\_\_  
Lot Size: \_\_\_\_\_  
Specific Home Occupation Use: \_\_\_\_\_

### Zoning Officer Only

Compliance with Zoning Ordinance, Article V - Section 500.6: (check box if complies) ☒

The following standards are complied with in full at all times:

- ☐ Home Occupation as defined in the Zoning Ordinance.
- ☐ The principal building on the lot is a dwelling unit.
- ☐ The residents of the dwelling unit and not more than one (1) other person is engaged or employed in the home occupation.
- ☐ The home occupation shall be incidental and subordinate to its use for the residential purposes and not more than 25% of the floor area of the dwelling unit shall be used for the home occupation.
- ☐ No more than one (1) home occupation shall utilize an accessory structure on the lot.
- ☐ A home occupation utilizing an accessory structure shall not use an amount equal to more than 50% of the floor area of principal structure for the purpose of the home occupation.
- ☐ No alteration of the residential appearance of the premises occurs.
- ☐ No process is used which is hazardous to public health, safety, morals or welfare.
- ☐ It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors.
- ☐ It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- ☐ Visitors, customers or deliveries shall not be excessive as to cause a disturbance to the residential character of the zoning district.

Zoning Officer Determines that the use is a: (check appropriate box) ☒

- ☐ Permitted Use as Home Occupation
- ☐ Prohibited Use as Home Occupation

Reason(s) (if) not permitted: \_\_\_\_\_

Signature of the Zoning Officer \_\_\_\_\_ Date \_\_\_\_\_

The Decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

# Wilmington Township

## ZONING ENFORCEMENT NOTICE

Date: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Others Against Whom Action is Intended:

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

Location of Property: \_\_\_\_\_

It appears that your use of the above-described property is in violation of the Township Zoning Ordinance, Ordinance No. \_\_\_\_\_, as amended, approved \_\_\_\_\_, as specified below:

Applicable Sections of the Zoning Ordinance are: \_\_\_\_\_  
\_\_\_\_\_

Before (date) \_\_\_\_\_, you must commence compliance and complete compliance no later than \_\_\_\_\_.

YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD WITHIN 30 DAYS OF RECEIPT OF THIS NOTICE.

YOUR FAILURE TO COMPLY WITH THIS NOTICE WITHIN THE TIME SPECIFIED UNLESS EXTENDED BY APPEAL TO THE ZONING HEARING BOARD CONSTITUTES A VIOLATION OF THE ZONING ORDINANCE WHICH MAY RESULT IN A JUDGMENT AGAINST YOU OF \$500.00 PLUS ALL COURT COSTS AND REASONABLE ATTORNEY FEES INCURRED BY THE TOWNSHIP. EACH DAY THAT THE VIOLATION CONTINUES MAY CONSTITUTE A SEPARATE VIOLATION.

Signed: \_\_\_\_\_  
Zoning Officer