

STEWARTSTOWN BOROUGH,
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
STEWARTSTOWN BOROUGH, YORK COUNTY, PENNSYLVANIA

WHEREAS, Stewartstown Borough (the “*Borough*”) previously enacted the Stewartstown Borough Zoning Ordinance, as amended (the “*Zoning Ordinance*”); and

WHEREAS, the Borough wishes to amend the Zoning Ordinance to provide for “Multi-Family Conversions” as a Permitted Use in the Industrial Zone, along with ancillary amendments related to the forgoing; and

WHEREAS, the Borough has held a hearing pursuant to public notice to receive testimony concerning the proposed amendment to the Zoning Ordinance; and

WHEREAS, the Borough deems it to be in the best interests of the citizens of Stewartstown Borough to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Stewartstown Borough, as follows:

SECTION 1. The definition of “Conversion, Multi-Family” in Section 302 of the Zoning Ordinance is hereby amended to read as (insertions shown as double-underlined and deletions shown as ~~strikethrough~~):

Conversion, Multi-Family – A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building. (~~Not permitted by this Ordinance~~).

SECTION 2. Section 302 of the Zoning Ordinance is hereby amended to add the following definition at the appropriate alphabetical location:

Traffic Impact Study – A report analyzing existing traffic conditions and the effect of development on the traffic system.

SECTION 3. Section 561 of the Zoning Ordinance is hereby amended by adding the following:

“l). Conversion, Multi-Family, subject to restrictions of Section 620.”

SECTION 4. The Zoning Ordinance is hereby amended by adding the following as Section 620 of the Zoning Ordinance:

s.620 Conversion, Multi-Family

Multi-Family Conversions shall comply with the applicable requirements of the Industrial Zone except as specifically modified by this section, as follows:

A. No additions to or expansions of buildings at which Multi-Family Conversions exist, or are proposed, shall be permitted except proposed awnings and covered walkways on/around the buildings. All residential dwellings of a Multi-Family Conversion shall be located within the existing structure which is being converted to the new Multi-Family Conversion use.

B. Structural exterior alterations of the original building at which a Multi-Family Conversion is proposed shall be limited to alterations solely related to remediating safety concerns or alterations necessary to ensure emergency egress or provide handicapped accessibility.

C. Screening, fencing or any combination thereof pursuant to s.602 shall be provided along any lot boundary of a Multi-Family Conversion use which adjoins a currently existing residential use, provided, however, that the 50 foot area referenced in s.602(b) shall be reduced to 10 feet for purposes of Multi-Family Conversion uses. Notwithstanding the forgoing, all screening, fencing or any combination thereof shall be located no closer than three (3) feet from property lines.

D. All Multi-Family Conversion buildings shall be served by and connected to public water and public sanitary sewer services.

E. The minimum gross square footage of habitable area in any individual residential dwelling unit for a Multi-Family Conversion use shall be no less than 600 square feet.

F. Off-street parking spaces for any Multi-Family Conversion use shall be provided pursuant to the following regulations:

1. A minimum of 2.0 spaces for each individual dwelling unit shall be provided, and all spaces must be assigned.

2. Each parking space shall be no less than 180 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it.

3. The total parking area of each parking space shall average 270 square feet per required parking space.

G. A Traffic Impact Study shall be required for any Multi-Family Conversion use proposing more than 10 individual dwelling units. Reports, plans, and trip generation letters shall be signed and sealed by a professional engineer licensed to practice in the Commonwealth of Pennsylvania and qualified to perform such studies. The Borough Engineer and/or the Borough's consulting traffic engineer shall determine study limits and all other parameters related to the Study.

1. Should results of the Traffic Impact Study show any decrease or projected decrease in level of service or required improvements, the Multi-Family Conversion use shall not be permitted. If the decreased, or projected decreased, level of service as determined by the Traffic Impact Study is mitigated and all improvements recommended by the Traffic Impact Study are agreed to pursuant to a developer's agreement (or any similar agreement with the Borough), then the Multi-Family Conversion use shall be permitted.

H. A Multi-Family Conversion use is permitted to have any combination of residential dwelling units and not more than 4 non-residential permitted uses, pursuant to the following requirements:

1. All uses shall be permitted in the Industrial Zone or Commercial Village Zone and located within a single principal building or group of buildings.

2. The independent regulations established in this zoning ordinance for each individual use are satisfied, i.e., parking, use area requirements, etc.... The principal Multi-Family Conversion building itself, however, shall be considered as a single use for purposes of access, lot area, sign regulation, lot width and setback requirements, and such provisions shall not be cumulative for the individual uses established within the Multi-Family Conversion building.

3. For purposes of Multi-Family Conversion buildings with multiple Principal uses, each Principal use, as provided above, shall not be subject to the limitation set forth in the definition of "Principal Use" requiring each use to be positioned so that the lot on which the uses are located could be subsequently subdivided thereby upon separation each use would independently meet all applicable dimensional requirements.

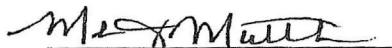
SECTION 2. Repealer. In the event that this Ordinance shall be in conflict with any other duly adopted Ordinance of the Borough, it is hereby ordained that this Ordinance shall govern.

SECTION 3. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held by any Court or Administrative tribunal of competent jurisdiction to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

SECTION 4. Effective Date. This Ordinance shall be effective as provided by law.

ORDAINED AND ENACTED this 5th day of February 2024.

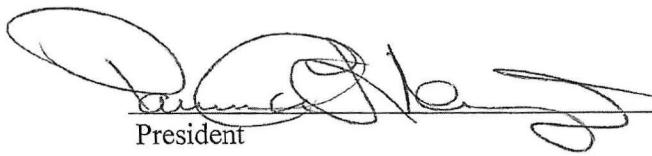
ATTEST:



Borough Secretary

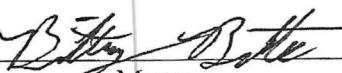
(SEAL)

STEWARTSTOWN BOROUGH
BOROUGH COUNCIL


President

Approved this 5th day of February 2024

By:


Mayor