

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE BOROUGH OF MOUNT WOLF, YORK COUNTY,
PENNSYLVANIA TO AMEND THE MOUNT WOLF BOROUGH ZONING
ORDINANCE TO ADD A NEW FLEXIBLE RESIDENTIAL OVERLAY (F-R)
ZONING DISTRICT

BE IT ENACTED AND ORDAINED by the Mount Wolf Borough Council, York County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

SECTION 1. Article III, "Zoning Districts," Section 450-10 "Designation of zoning districts" Subsection A "Zoning Districts" shall hereby be amended to read as follows:

"A. Zoning Districts. For the purpose of this chapter, the Borough of Mount Wolf is hereby divided into districts which shall be designated as follows:

R-1	Low-Density Residential District
R-2	Medium-Density Residential District
I	Industrial District
F-R	Flexible Residential Overlay"

SECTION 2. Article III, "Zoning Districts," Section 450-11 "Area and bulk requirements" shall hereby be amended to include a new subsection "C" to read as follows:

"C. General requirements for the Flexible Residential Overlay. For those properties situated in the Flexible Residential Overlay (F-R) District, all uses shall meet the requirements and criteria referenced in Section 450-15(C).

SECTION 3: Article III, "Zoning Districts," shall hereby be amended by the addition of new Section "450-15," "F-R Flexible Residential Overlay," to read as follows:

"§450-15 F-R Flexible Residential Overlay.

A. **Purpose.** The R-2 base zoning district is comprised substantially of older housing stock and is primarily residential in nature, combining mixed residential types, including, but not limited to, duplexes, single family detached homes, and multifamily units. The Flexible Residential Overlay (F-R), which is intended to apply to the R-2 district, is hereby established as an overlay in which regulations are intended to permit and encourage flexibility in residential reinvestment and redevelopment. In promoting such redevelopment, the specific intent of this article is to allow for the use of under-utilized land and buildings though the use of flexible development and redevelopment standards.

- B. Applicability.** The development regulations of the Flexible Residential Overlay may be applied as an overlay to tracts of at least one-half acre and a maximum of 2 acres located in the R-2 residential zoning district, subject to the regulations of this section.
- C.** Any structure hereafter erected, or any lot hereafter used or occupied for any lawful purpose within the F-R district, shall comply with the minimum and/or maximum dimensions specified in Table 450-11(A) herein.
- D. Application Procedure.** An applicant may apply to the Borough Council to have the Flexible Residential Overlay applied to a tract or contiguous tracts of land in the applicant's control. The Borough Council shall apply the Flexible Development Overlay to the applicant's tract or contiguous tracts so long as the applicant can show the Board that the tract meets:
- (1) At least two of the criteria in (a) through (g) below.
 - (a) Presence of one or more vacant structures that have been tax delinquent for a period of two or more years.
 - (b) Physical conditions that have rendered the site a public nuisance in accordance with Borough building codes, as certified by the Borough Building Code Official
 - (c) Presence of a safety hazard to persons or property, as certified by the Borough Building Code Official
 - (d) Physical condition that has rendered the site an attractive nuisance to children, as certified by the Borough Building Code Official
 - (e) Any structure that due to dilapidation, sanitation, vermin, lack of facilities or safety has been designated by the Borough as unfit for human habitation, as certified by the Borough Building Code Official
 - (f) The presence of one or more structures from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective, for a period of two or more years, so that the property is unfit for its intended use
 - (g) A property that has environmentally hazardous conditions, solid waste pollution or contamination in a building or land, as certified by the Borough Building Code Official

(2) For tracts that include multiple parcels, a majority of the units of property, representing a majority of the total land area, must meet the criteria

(3) None of the above criteria may have been created by the applicant.

E. **Permitted Uses.** All uses permitted in the underlying R-2 base zoning district shall be permitted within the Flexible Residential Overlay.

SECTION 4. Section 450-18 (C) (17) shall hereby be amended by substitution as follows:

“(17) Dwelling, multifamily (no conversion from single-family dwelling).

(a) The total lot area shall provide a minimum of 1,650 square feet per dwelling unit.

(b) No building shall contain more than twelve dwelling units.

(c) A maximum of two access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.

(d) The minimum separation between two or more apartment or condominium buildings on the same lot shall not be less than the side yard.

(e) The side setback need not be greater than the side yard of the abutting property.”

SECTION 5: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

SECTION 7: This Ordinance shall take effect and be in force immediately five (5) days after adoption as provided by law.

ENACTED AND ORDAINED this 3 day of JANUARY.

ATTEST:

MOUNT WOLF BOROUGH COUNCIL

Rachel Luling
Secretary

By: [Signature]



Approved this 3rd day of January, 2022

Maurice Stiner
Mayor

