

Article XIX

OS - Outdoor Storage and Intensive Commercial/Industrial District

Section 1900. Declaration of Legislative Intent

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in Sections 101 and 102 of Article I of this ordinance, it is the intent of this article to provide regulations to permit limited industrial and commercial development in appropriate areas in conformance with the goals of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

- 1900.1 Effectively regulate the establishment and maintenance of outdoor storage and other uses as defined herein.
- 1900.2 Protect the public health, safety, and welfare from potential dangers and/or any adverse effects which may result from the operation of the uses described herein.
- 1900.3 Contain the standards and criteria for licensing and operating the uses described herein.
- 1900.4 Permit solid waste disposal facilities as per Article XXI, subject to additional criteria intended to protect the public health, safety, and welfare from any adverse effects of such facilities and operations.
- 1900.5 Permit other intense uses which are not permitted elsewhere.
- 1900.6 Provide standards and criteria for outside storage and intensive commercial and industrial development in appropriate areas of the township in accordance with the Comprehensive Plan.

Section 1901. Pre-Existing, Non-Conforming Uses

- 1901.1 All presently existing uses as set forth in this Article, whether located or not in the OS Outdoor Storage District, are declared non-conforming and subject to the provisions of this Ordinance only at the time of expansion on to adjacent properties, whether or not held in single ownership.
- 1901.2 The intent and interpretation of this section is as follows:
 - A. Uses existing at the time of 1996 adoption of the OS Outdoor Storage and Heavy Commercial District are considered to be legitimate uses.
 - B. The Township has no intention of taking any action against such uses which are intended primarily to cause the closure and/or removal of any of these uses.

- C. Because of the nature of the uses permitted, it is in the best interest of the Township to require application of all the rules and regulations of the OS District to all new proposals and expansion of these non-conforming uses onto adjacent properties.
- D. With regard to non-conforming uses expanding within one property, or adding uses permitted by Section 1902, Permitted Uses, herein, the full application procedure of Section 1905, License Regulations, shall not apply, however, all other provisions of this Article shall be enforced.

Section 1902. Permitted Uses

The following are the uses permitted in this district:

- 1902.1 Uses contained in Section 1801, Permitted Uses, of the Limited Industrial District of this Ordinance, developed according to LI district standards.
- 1902.2 The following uses when approved as a conditional use:
 - A. Solid waste disposal facilities, recycled materials processing facility, resource recovery operation, or salvage operation, in compliance with Article XXI, Solid Waste Disposal and Recycling regulations. In the event of a conflict between requirements of this Article and those of Article XXI, the regulations of Article XXI shall prevail.
 - B. Adult uses, as defined in this Ordinance, in compliance with the standards and criteria of Section 816.
 - C. Outdoor storage business, as defined below, subject, in addition, to the licensing and operation standards and criteria found in the following Sections.
 - 1. Auto graveyard, auto wrecking or salvage, or similar use.
 - 2. Oil and chemical storage areas, fuel depot.
 - 3. Motor vehicle storage and maintenance.
 - 4. Use, storage, and/or manufacture of detonable materials.
 - D. Quarrying or mining operations.
 - E. Paintball or Sportsmens' club.
 - F. Any other use not permitted within any other district, provided that the applicant shall demonstrate to the satisfaction of the Board of Supervisors that provisions will be made to adequately reduce or minimize any noxious, offensive, or hazardous features of such use.

Section 1903. Dimensional Standards

The following dimensional standards shall be applied to subdivision and/or land development proposals, other construction, and/or use of land:

1903.1 Minimum lot area: 5 acres.

1903.2 Minimum lot width: 250 feet.

1903.3 Maximum Impervious surface: 50 percent.

1903.4 Maximum building height: The maximum height of any building or other structure erected or used in this district shall be 40 feet except that the height of any such building or structure may be increased to a maximum of 65 feet or such increased height as may be warranted when approved by the Board of Supervisors as a conditional use for such structures as silos, water towers, provided that for structures in excess of 40 feet, the minimum setback from property lines and the ultimate right-of-way shall be at least equal to the total height of the structure plus 10 feet.

1903.5 Setbacks:

	Parking, Loading,	Stored Materials, <u>Service Areas</u>	Buildings, <u>Storage Areas</u>
A. From the ultimate right-of-way of any public street.		30 feet	100 feet
B. An abutting residential or institutional district boundary line or a property line of such a use.		50 feet	100 feet
C. Any other district boundary line or property line.		25 feet	50 feet

Section 1903-A. Required License

A license shall be required to own and/or operate an outdoor storage business or a business which includes outdoor storage, as defined herein, and permitted under Section 1902.2.C. [As Amended 9/13/05; Ord. No. 2005-10]

Section 1904. Application Procedure

1904.1 Plans for new proposals or expansion of any existing OS Outdoor Storage District use shall be submitted to the Township Secretary per the final submission date prior to the Planning Commission's regularly scheduled meeting, and such plans shall include all of the information required in Section 1803, Plan Submission and Review, and Section 1804, Performance Standards, including an Environmental Assessment Statement per Section 819, of this Ordinance.

1904.2 The additional license required for an Outdoor Storage Business shall be issued by the Township Supervisors after written application has been made to the Planning Commission by the person, partners, association or others desiring to be licensed.

A. Such application shall state the name of the person or business for whom the license is requested and the premises licensed thereunder.

B. The written application for license herein shall include all of the information required in Section 1803, Plan Submission and Review, and Section 1804, Performance Standards, and the additional Performance Standards listed in Section 1906.

1904.3 No incomplete applications will be accepted by the Township Planning Commission.

Section 1905. License Regulations

1905.1 Fee, Approval, Issuance. Upon approval of the Township Supervisors, the Supervisors shall issue a license upon receipt of a license fee in the amount set by resolution of the Board of Supervisors for each and every license issued.

1905.2 License Limitation. No person licensed under this Article shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one of the uses contained in Section 1902, Permitted Uses. A separate license is required for each place of business or use maintained or operated as set forth herein.

1905.3 Record Keeping. Every person, licensed under this Article, shall provide and keep a book which shall be written in the English language, at the time of purchase or receipt of any motor vehicle, a description of the vehicle, the date and hour of purchase, or receipt, and the person from whom such article or material was purchased or received. The description of the motor vehicle shall include the trade name, the motor body manufacture's numbers and any other serial numbers, the style of the body, model, color, and license number.

1905.4 Non-Transferability. No license issued by the Township shall be transferable by the licensee to any other person unless such a transfer is authorized by written consent of the Township Supervisors. Any person desiring to transfer their license shall notify the Township Supervisors in writing and notification shall be accompanied by an application for a license, as described in Section 1904, Application Procedure, by the transferee.

1905.5 Delay in Disposal. Every person, licensed under this Ordinance, shall keep and retain upon the licensed premises for a period of 48 hours after receipt, all motor vehicles received by him, and shall not alter the original form, shape, or condition until the 48-hour period has elapsed.

Section 1906. Additional Performance Standards For This District

No person shall be licensed under this Article, nor any plan approved or property used as an outdoor storage use contained in Section 1902, Permitted Uses, herein, unless the property to be used complies with the Performance Standards of Section 1804, plus the additional regulations listed below:

- 1906.1 Premises shall be maintained so as not to constitute a nuisance or menace to the health of the community, or of residents nearby.
- 1906.2 No organic wastes or water shall be discharged, treated or stored, except as shall be approved by the Upper Hanover Authority and the Montgomery County Health Department.
- 1906.3 There shall be erected a front yard fence or wall not less than 6 feet in height and it shall be located within the setback area at a point not closer than the ultimate right-of-way line and maintained in a constant state of good repair. The same fence shall be continued around the sides and rear of the portion of property being actively used so that all parts of the outdoor storage operation are enclosed by the fence.
- 1906.4 An adequate internal circulation pattern of streets, of at least 20 feet wide, shall be maintained in order to allow fire and emergency equipment to maneuver within and to prevent the spread of fires. The internal roads shall be constructed of an all weather paved material that will permit passage during all types of weather conditions.
- 1906.5 The outdoor storage of any materials or wastes which are visible from any adjoining or opposite residential uses, residential districts, or public roads shall be permanently screened by a buffer area. The primary component of the buffer area shall be placement of evergreen trees and deciduous trees.
 - A. Evergreen trees shall be planted at a height not less than 4 feet when planted, and attain a height at maturity of not less than 15 feet.
 - B. Deciduous trees shall be at least one and one-half inches in caliper and 6 feet in height when planted, and shall attain a height of not less than 20 feet at maturity.
- 1906.6 Also required as a secondary component of the buffer area is one or a combination of the following; grass, ground cover and/or similar vegetation; earth mounding (the use of which is encouraged) provided that slopes shall be a maximum of three to one; fencing; and coniferous shrubbery. Any combination of evergreen trees, deciduous trees, mounding, fencing, coniferous shrubs, or other natural vegetation or man-made material is allowable provided they are properly related to one another so as to produce an effective buffer area designed to visually screen the materials or wastes and it is achieved with a reasonable time.

- 1906.7 Permitted uses contained in Section 1801, Permitted Uses, shall be allowed only where direct access can be obtained from a major arterial or collector road as defined in the Comprehensive Land Use Plan of Upper Hanover Township and not any local residential streets. In the event that a secondary access driveway is needed and to be taken from a local residential street, it shall be used for emergency purposes only and not for normal business operations.
- 1906.8 No more than two uncrushed vehicles can be stacked on top of one another. All other material and vehicles shall be stored in a manner to prevent any materials or wastes to be washed, blown, or otherwise transferred off the site by normal causes or forces and to a height which does not exceed 10 feet.
- 1906.9 Pre-existing non-conforming uses contained in Section 1901 shall comply with the standards as set forth in Section 1804, Performance Standards, of the Upper Hanover Township Zoning Ordinance.

Section 1907. Inspection

The Fire Marshal and/or Building Inspector and/or the Township Engineer are required to regularly inspect the premises of licensed operations to determine if the licensee is in full compliance with the provisions of this Ordinance and any conditions of the license. Township officials are required to report, not less than once a year, in writing, to the Township Supervisors regarding the conditions of the property. By applying for a license, the property owner or operator of the business in question consents to said inspection.