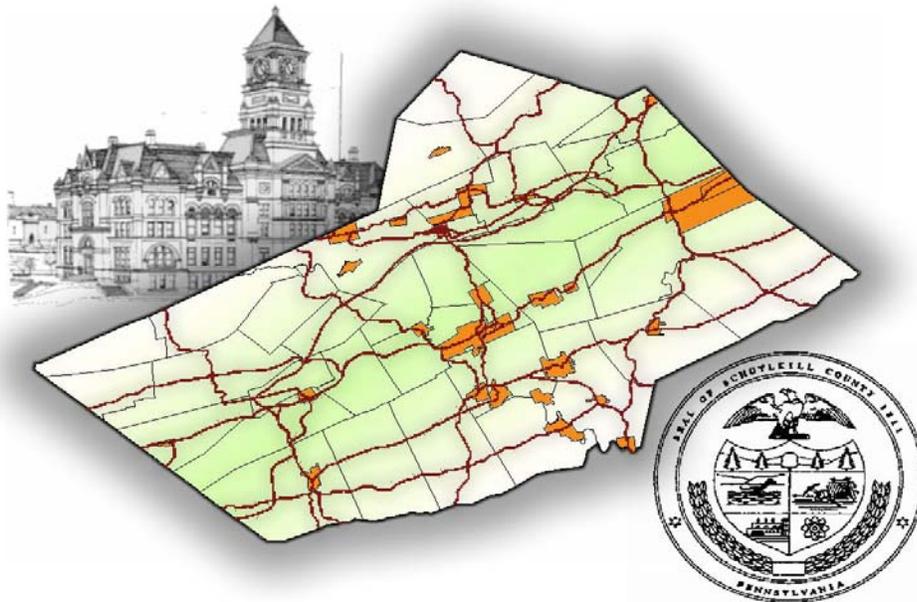


# Schuylkill County Zoning Ordinance



Schuylkill County, Pennsylvania  
Ordinance Number 2010-1

As Adopted by the Schuylkill County Board of Commissioners  
On December 22, 2010.

This Ordinance was prepared under the direction of  
a Zoning Ordinance Committee of citizens, the County Planning Commission,  
and the County Planning, Zoning and Engineering Staff.

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Urban Research and Development Corporation  
Bethlehem, Pennsylvania



# SCHUYLKILL COUNTY ZONING ORDINANCE

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## USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- ! Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map. Please check to make sure that the County Zoning Ordinance still applies in your municipality, as opposed to having been replaced by a Township or Borough Zoning Ordinance.
- ! Turn to the **Table of Contents** to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- ! Consult the **Zoning Map** to determine the zoning district that includes your lot. Please be aware that the term “assessment property class” as shown on the County assessment records is not a zoning district designation.
- ! Turn to Section 306, **Allowed Uses and Dimensional Requirements in each Zoning District**, which indicates the uses permitted, the required minimum lot size, and the required minimum distance that buildings must be from streets and other lot lines in each zoning district. A use is permitted in two ways:
  - a) by right, or
  - b) by special exception (the County Zoning Hearing Board must approve the use, as described in Section 116).
- ! Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306 that use may be a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 805 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Township or Borough Floodplain Ordinance and the Federal Floodplain Maps (which can be viewed at most municipal buildings or at [www.fema.gov](http://www.fema.gov)).

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- ! Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- ! If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- ! Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- ! An applicant may apply to the County **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the County for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- ! Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the **Subdivision and Land Development Ordinance** (SALDO) will also apply. That is a separate ordinance. Some municipalities are under the County SALDO, while other townships and boroughs have adopted their own SALDO.
- ! If there will be disturbance of the ground, it may be necessary to use certain measures to control **soil erosion**. The County Conservation District oversees these matters.
- ! If there will be impacts upon stormwater runoff, see the applicable Stormwater Management Ordinance.

Any questions concerning this County Zoning Ordinance should be directed to the County's **Zoning Officer**. The Zoning Officer also administers applications for permits.

## **TITLE; ENACTMENT; SEVERABILITY**

### Ordinance No. 2010-1

1. **TITLE**. A New Ordinance: a) dividing geographic areas of Schuylkill County, Pennsylvania, where a city, borough or township has not adopted its own zoning ordinance, into zoning districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE**. This Ordinance shall be known and be cited as the “Schuylkill County Zoning Ordinance” of 2010.
3. **SEVERABILITY**. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of County Commissioners hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Schuylkill County Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Schuylkill County.
4. **PROCEDURAL DEFECTS IN ENACTMENT**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER**. The pre-existing Schuylkill County Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other County ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of County Commissioners of Schuylkill County hereby enacts and ordains into an Ordinance the attached document this date of December 22, 2010. This Ordinance shall become effective December 27, 2010.

Date of Planning Commission Public Meeting: August 18, 2010

Date of County Commissioners Public Hearing: December 15, 2010

**SCHUYLKILL COUNTY BOARD OF COMMISSIONERS**

/s/ Mantura M. Gallagher

Mantura M. Gallagher, Commissioner, Chair

/s/ Francis V. McAndrew

Francis V. McAndrew, Commissioner

/s/ Frank J. Staudenmeier

Frank J. Staudenmeier, Commissioner

Attest: /s/ Darlene Laughlin  
Darlene Laughlin, Chief Clerk

Date: December 22, 2010

**ARTICLE 1**  
**ADMINISTRATION**

101. APPLICABILITY OF THIS ORDINANCE

This Zoning Ordinance shall apply throughout geographic areas of Schuylkill County where a City, Township or Borough does not have a municipal zoning ordinance in effect. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

102. PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is hereby adopted:

- A. In accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
- B. in accordance with goals and objectives of the Schuylkill County Comprehensive Plan and Open Space and Greenway Plan, which are hereby included by reference,
- C. to carry out the following major objectives:
  - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
  - 2. to avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters,
  - 3. to promote traditional styles of development,
  - 4. to promote compatibility between land uses,
  - 5. to seek coordinated development and roads across municipal borders,
  - 6. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
  - 7. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
  - 8. to coordinate development with future central water and sewage service areas,
  - 9. to direct industrial development to locations that will minimize conflicts with homes,
  - 10. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
  - 11. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
  - 12. to promote public health, safety and general welfare.

103. PERMITS AND CERTIFICATES

A. Applicability.

- 1. Any of the activities listed in Section 103.A.2. or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.

*Schuylkill County Zoning Ordinance*

2. Zoning Permit Required. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable County Staff. A Zoning Permit is required to be obtained from the County prior to the start of any of the following activities (Refer to Article 3 for a complete list):
  - a. erection, construction, movement, placement, enclosing, replacement, relocation or expansion (including adding a story) of a building or structure, including replacement of one manufactured/mobile home with a different manufactured/mobile home
  - b. placement of a free standing sign with an area of 50 or more square feet
  - c. change of the type of use or expansion of the use of a building, structure or area of land
  - d. creation of a new use
  - e. mineral extraction or development of a gas or oil well as defined by Section 202
  - f. establishment of a home occupation
  - g. adding a roof over an area that was not previously under roof (other than a fabric or flexible awning)
  - h. enclosing building space (other than flexible screening around a deck, patio or porch and other than temporary tents)
  - i. deck, patio and porch
  - j. Industrial/commercial accessory use or structure such as a storage shed or other similar structure with a floor area of 100 square feet or greater
  - k. Helipad as an accessory use to an industrial or commercial principal use
  - l. residential accessory uses and structures as follows: (see Section 307. C)
    1. residential accessory structure such as a storage building or shed, pole building, garage, carport, pavilion or other similar structure with a floor area of 100 square feet or greater
    2. signs, as permitted by Article 7. (See sign exemptions in Section 703.A.)
    3. stable, household-See Section 402
    4. in-ground swimming pool, household
    5. wind turbines that are not attached to a building
    6. solar panels that are not attached to a building
    7. such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right or special exception principal use

3. Zoning Permit Not Required. The following activities shall be exempt from the requirements of this Ordinance and shall not require a zoning permit. “Exempt from this Ordinance” shall mean that the use or activity is allowed everywhere outside of a public street right-of-way, setbacks and other zoning requirements do not apply (except for creation of a new lot), and a zoning permit is not required.
- a. crop farming, other than constructing or expanding a building
  - b. fence, or a wall that is not part of a building
  - c. above ground swimming pool, accessory children’s play equipment or children’s tree house
  - d. governmental use or structure that is exempted by Section 115
  - e. routine accessory occasional garage and yard sales
  - f. keeping of common domesticated household pets
  - g. driveways and walkways
  - h. public utility lines, pipes, poles or towers or underground fuel transmission pipes
  - i. replacing one type of building material with another type of building material
  - j. vending machines, ATM machines as accessory to a commercial business or that are within a principal non-residential building
  - k. keeping of livestock or poultry, unless the use meets the definition of “Intensive Keeping of Livestock or Poultry”
  - l. bus shelters placed at school bus or public transit or shuttle bus stops
  - m. forestry and timber harvesting
  - n. commercial farm tourism and special events, such as farm tours, a corn maze and Halloween activities
  - o. accessory commercial communications antenna
  - p. standard antenna
  - q. adding antennas to an existing communications tower that does not increase the total height
  - r. placement of a free standing sign with an area less than 50 square feet, and all wall and window signs
  - s. recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
  - t. wind turbines and solar panels attached to a building, including the roof
  - u. entertainment, other than adult live entertainment.
  - v. *Temporary Uses and Structures* as follows:
    1. temporary retail sales, which may include a tent
    2. customary, routine and accessory short-term commercial uses shall be allowed in a non-commercial district if they are operated by a nonprofit organization, fire company, municipality or a place of worship and which serve a charitable, public service or religious purpose or a municipally-sponsored festival/special event
    3. temporary storage and office trailers shall be allowed that are necessary to serve on-site construction, while such construction is actively underway

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4. Christmas tree sales
  5. a subdivision may include a model home, which is used as a sales office in a development, provided the building is converted to a dwelling or removed when the development is complete
  6. Borough Council or Board of Supervisors or their designee may authorize the use of parts of public sidewalks, public property or streets for sidewalk sales, outdoor cafes, festivals or similar activities, without needing zoning approval
  7. a dwelling unit may be maintained on a lot while a second dwelling unit is actively under construction, provided that the first dwelling shall be completely removed from the lot within 60 days after the second dwelling is habitable
- w. commercial, industrial or institutional accessory uses provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests as follows:
1. internal cafeteria without drive-through service
  2. day care center
  3. recreational facilities
  4. storage of fuels for on-site use or to fuel company vehicles
4. Prior to receiving a Zoning Permit, certain uses are required to obtain Special Exception Use approval from the Zoning Hearing Board.
- B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve new enclosure of space and which does not extend further into a setback. (However, a Construction Permit under the Building Code may be needed for such work. Applicants should contact the municipal Building Code official for construction permit matters).
- C. Types of Uses.
1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance, unless this Ordinance states that a zoning permit is not required.
  2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.

D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the County. Such completed application, with required fees, shall be submitted to a designated County staff-person.
2. Site Plan. The applicant shall submit a site plan with a non-residential application if the application involves a new building or the expansion of a building. The site plan shall show the following:
  - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features
  - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way
  - c. locations of any watercourses and any 100 year floodplain
  - d. proposed lot areas, lot widths and other applicable dimensional requirements
  - e. locations and widths of existing and proposed sidewalks
  - f. a north arrow and scale
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
  - a. the address of the lot
  - b. name and address of the applicant, and of the owner of the property if different from the applicant
  - c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application
  - d. a current deed or evidence of equitable ownership, if the Zoning Officer believes there is a question about ownership by the applicant for the property
  - e. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance
  - f. all other applicable information listed on the official County application form,
  - g.. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation
  - h.. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance and
  - i. a listing of all special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

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- a. the present zoning district and major applicable lot requirements
  - b. for a non-residential use
    - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards
    - (2) a list of the maximum hours of operation
  - c. a listing of any sections of this Ordinance for which a variance is being requested or another appeal being made, with the reasons for such request
  - d. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling")
  - e. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting
  - f. name and address of person who prepared the site plan
  - g. signed acknowledgment of the application by the applicant, and
  - h. such additional information required under applicable sections of this Ordinance
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

E. Time Limits on Permits and Approvals.

1. The work authorized by zoning permits shall be substantially completed within 24 months after the issuance of the zoning permit, unless specifically stated otherwise on the permit. Failure to comply with the aforementioned time limit, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed automatically rescinded by the County.
2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for substantial completion of work to a maximum total of 48 months after permits are issued.

F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties)
  - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance
  - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or

d. for any other just cause set forth in this Ordinance

2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code. Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

G. Compliance with Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the applicable Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the zoning permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

2. If approval under the Subdivision and Land Development Ordinance is required, and a zoning variance or special exception approval is needed for the plan to be developed as proposed, then the zoning variance and/or special exception approval shall have been granted before a final subdivision or land development plan submittal shall be considered complete.

104. GENERAL PROCEDURE FOR PERMITS.

A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other applicable Ordinances. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant, in the event of a legal appeal by a challenger.

105. INTERPRETATION AND USES NOT REGULATED.

A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply.

B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, or as a special exception use, or otherwise exempted by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

1. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District

2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 805.F.

3. the use would meet the standards that would apply under Section 116 to a special exception use, and

4. the use is not specifically prohibited in that District

C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the County Solicitor's Office to aid in the Zoning Officer's determination
2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111
3. See Section 304

D. Undefined Terms/Interpretation of Definitions. See Section 201.

106. ENFORCEMENT, VIOLATIONS AND PENALTIES.

All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit where required under Section 103.A.2.;
2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
3. Undertaking any action in a manner which does not comply with a zoning permit;
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
5. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

B. Enforcement Notice. The Zoning Officer is only required to record and investigate an alleged violation of this Ordinance if the Zoning Officer receives a written and signed complaint that includes the name, address and telephone number of the person filing the complaint and a sufficient description of the location. If the Zoning Officer has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the County may initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note: As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

*Schuylkill County Zoning Ordinance*

1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the County as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the County may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the County for the general use of the County. Imprisonment is not authorized under this Ordinance.
  2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used or maintained in violation of this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
- E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the County shall have the responsibility of presenting its evidence first.

107. FEES.

A County fee schedule for permits and applications may be established and amended by written resolution of the County Commissioners. No application or appeal shall be considered filed until all fees are paid.

108. AMENDMENTS TO THIS ORDINANCE.

Within the requirements of the Pennsylvania Municipalities Planning Code, the County Commissioners may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission or a municipality.

109. CURATIVE AMENDMENTS.

The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

110. ZONING OFFICER.

- A. Appointment. The Zoning Officer(s) shall be appointed by the County Commissioners. The County may designate other County Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the County, but may hold other appointed offices.
- B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
  - 1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance
  - 2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance as provided in this Ordinance
  - 3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the County and being available for public inspection
  - 4. review proposed subdivisions and land developments for compliance with this Ordinance
  - 5. take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended
  - 6. maintain available records concerning non-conformities, provided that the County is not required to document every non-conformity; and
  - 7. serve such other functions as are provided in this Ordinance

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.

- A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the County appointed by the Board of County Commissioners. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the County and shall not be employed by the County in another capacity.
  - 1. Alternate Members. The County Commissioners may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
  - 2. Expenditures. Within the maximum amount of funds appropriated by the County Commissioners, the Zoning Hearing Board may contract for a Solicitor, and may receive compensation authorized by the County.
- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).

- D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
    - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the County Commissioners that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
    - b. See time limitations for appeals in Section 111.E.
  2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
  3. Variance.
    - a. The Board shall hear requests for variances filed with the County Staff in writing.
    - b. Standards. The Board may grant a variance only within the limitations of State law. As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
      - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
      - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
      - iii) Such unnecessary hardship has not been created by the appellant;
      - iv) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
      - v) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
    - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
  4. Special Exception.
    - a. The Board shall hear and decide requests for all special exceptions filed with the County Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
    - b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the

Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
  - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
  - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
  - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- E. Time Limits for Appeals. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- F. Stay of Proceedings. The Stay of Proceedings provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

## 112. ZONING HEARING BOARD HEARINGS AND DECISIONS.

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

- A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
  1. Advertisement. Public notice shall be published, as defined by Section 107 of the Pennsylvania Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
  2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The County Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
  3. Persons Given Notice. The County shall provide written notice to the Applicant of the time and place of the hearing. The County should also provide notice to the primary last known owner of each lot that is abutting or immediately across the street from the

subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

- B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- C. Decision/Findings.
  - 1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
  - 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
  - 3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the Pennsylvania Municipalities Planning Code.
- D. Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following the date of the final decision. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- E. See also Section 908 of the Pennsylvania Municipalities Planning Code.

113. APPEALS TO COURT.

The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. LIMITED PUBLIC UTILITY EXEMPTIONS.

See the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. APPLICATION TO GOVERNMENT FACILITIES.

- A. This Zoning Ordinance shall not apply to uses or structures owned and/or operated by Schuylkill County or an agency of Schuylkill County or the applicable borough or township within its own boundaries, or by a municipal authority created by the county or such borough or township. This exemption shall apply for uses and structures that are intended for a public utility (including but not limited to electricity generation), stormwater, municipal parking, wastewater, water supply, governmental administration, environmental protection, public recreation or public health and safety, or other governmental purpose.
- B. This Zoning Ordinance shall not apply to uses or structures or other activity owned and/or operated by a governmental agency of the Commonwealth of Pennsylvania or the Government of the United States. This exemption shall not apply to activity that is simply

funded by governmental agencies or that is conducted by entities that are only affiliated with or related to a level of government.

116. SPECIAL EXCEPTION USE PROCESS.

- A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special Exception Procedure.
  - 1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
  - 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
  - 3. The Zoning Officer or Zoning Hearing Board may send the application to the County and/or Municipal Planning Commission for any review they may wish to provide.
  - 4. The Zoning Hearing Board shall follow the procedures provided in Section 112.
  - 5. Time Limits. See Section 908 of the Pennsylvania Municipalities Planning Code.
- C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
  - 1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
  - 2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable County, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the County prior to the issuance of any zoning permit and/or recording of an approved plan.
  - 3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
  - 4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
  - 5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
  - 6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
  - 7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. LIABILITY.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the County shall not constitute a representation, guarantee or warranty of any kind by the County, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

**ARTICLE 2**  
**DEFINITIONS**

201. GENERAL INTERPRETATION.

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- H. If a word is not defined, it shall have its plain and ordinary meaning, within the context of the provision.

202. TERMS DEFINED.

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Building. An accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, an individual wind turbine, solar panels, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. See the definition of "Residential Accessory Structure".

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. A state of being side by side, next to, adjoining, contiguous, or abutting one to another.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video, coin- or token-operated video, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agri-business. Processing of agricultural or animal products beyond what is customarily accessory to an allowed agriculture use, forestry or livestock or poultry operation. This term shall not include bulk manufacture of ethanol or similar fuels. This term shall include but is not limited to the following

- A. commercial animal processing (other than an industrial slaughterhouse),
- B. commercial storage or warehousing of agricultural products,
- C. commercial packing, preserving, canning, processing, drying, and shipping of agricultural products,
- D. commercial aquaculture,
- E. commercial mixing, sale and storage of agricultural fertilizers, herbicides, animal feed, pesticides and seeds, such as a feed mill,
- F. commercial sale and repair of tractors and other agricultural equipment,
- G. commercial wine manufacture and wine tasting, shipping and sales facilities,
- H. commercial yard waste processing, and
- I. commercial sawmill and processing of wood products.”

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft. A “Public Airport” shall be an Airport that does not meet the definition of a “Private Airport.” A Private Airport, including private landing strips, shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Alley. A motor vehicle accessway that provides access to 2 or more lots and which is typically located to the rear or a side of a lot, and which has right-of-way width of less than 20 feet.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna, Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Pennsylvania Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility/Personal Care Home. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. This term shall only include facilities licensed as Assisted Living Facilities or Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. Any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are met. This use shall not include a mobile/manufactured home park or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of

an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is entirely or partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling and not to the general public. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate Pennsylvania Lottery sales or lawful "Small Games of Chance."

Billboard. A type of Off-Premises Sign. See Article 7.

Biomass. Any plant-derived organic matter available on a renewable basis, including but not limited to, dedicated energy crops and trees, agricultural food and feed crops, agricultural crop wastes and residues, wood wastes and residues, and aquatic plants.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough/Township. A municipality under the jurisdiction of this Zoning Ordinance.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When a structure is divided into

separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards to minimum side yard requirements.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Park.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Use. A form signed by an authorized official that certifies that the use of the property is in compliance with this Zoning Ordinance, to the best knowledge of such official.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded lot.

Coal Gasification and Liquefaction Facility. Any building, structure or facility used in the mining, collection, development, processing, production, conversion, refinement, transfer and/or storage of materials utilized in the coal gasification and liquefaction process.

Coal Gasification and Liquefaction Process. Any method or process by which coal, coal waste, refinery waste or other carbonaceous materials are utilized to produce liquid fuel.

Commercial Communications Tower. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna" Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antennas. See standards in Section 402. This term shall not include a "standard antenna."

Commercial District. The TC, C-1, C-3 and C-4 Districts. The I-C district is considered a primarily industrial district, although it does allow commercial uses.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property for the purposes of conserving open space or agricultural uses. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 7,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Raising of Livestock."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges and/or amendments to the Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse.

This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable Pennsylvania agency.\*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable Pennsylvania agency.\* See Section 402.

\* As of 2009, this was the Department of Public Welfare.

Deck, Patio, Porch. A structure that is attached to a building and which serves recreational purposes and which is not enclosed by building walls, but which may have a roof or awning, and which is elevated above the ground level.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide faculty or enrolled students of an accredited college or university or primary or secondary school, and which is owned and/or operated by such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, semi-detached dwelling or single family attached dwelling. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Two Family Detached Dwelling.
  1. Two Family Detached Dwelling. Two dwelling units accommodating one family each with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the Pennsylvania Construction Codes and not the Federal requirements for Manufactured Housing.
- D. Semi-Detached Dwelling Unit or Twin Dwelling Unit. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- E. Single Family Attached Dwelling or Townhouse. One dwelling unit that is attached to 2 or more dwelling units, or that is at the end of a row of 3 or more such attached dwelling units, and which has each dwelling unit completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side setbacks shall be provided adjacent to each end unit. See standards in Section 402.
- F. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open setback areas on all sides.
  1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or 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 can be used without a permanent perimeter foundation.

This term is different from a "Sectional home," which is defined above. See standards for "Mobile/manufactured home" in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family," as defined herein. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living

areas that are completely separated by interior walls so as to prevent interior access from one living area to another.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including part-time and full-time, compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, transformers, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 4 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed primarily of wood, chain-link metal, vinyl, aluminum or similar materials. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with banking, lending and other monetary, not material, transactions and that has routine interactions with the public.

Flag Lot. Also see the definition in the Subdivision and Land Development Ordinance. (Note: A flag lot typically has a pole-like extension of lot area between the street and the main portion of the lot.) See Section 307.G.

Floodplain. See definitions of this term and related terms in the Borough/Township Floodplain Regulations. (Note: The 100-year floodplain is the area expected to be covered by flood waters during the worst storm expected in a 100-year period.)

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings or dwelling units. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry or Timber Harvesting. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting,

transporting and selling trees for commercial purposes, and which does not involve any land development.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

Gas or Oil Well. A well drilled into the ground to produce natural gas or petroleum products. See Sections 402 and 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose.

Group Home. A dwelling unit operated by a responsible entity with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. It is the express intent to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- B. A Group Home shall not include a "Treatment Center."
- C. See standards in Section 402.
- D. This use does not include a State-licensed personal care home or assisted living facility.

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Helipad. An area used for the take-off and landing of helicopters. The word helipad is short for helicopter landing pad and provides a clearly marked hard surface away from obstacles where a helicopter can land. Usually a helipad does not have fuel and service facilities for aircraft, as a

heliport does. Helipads are commonly placed on the roof of hospitals and some businesses maintain a helipad on the roof of their office building.

Heliport. An area used for the take-off and landing of helicopters, and related support facilities.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 403.

- A. Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Section 403.
- B. Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Section 403. A Minor Home Occupation also includes, but is not limited to, a use that meets all of the requirements for a “No Impact Home-Based Business” as provided in the Pennsylvania Municipalities Planning Code.

(Note -In most cases a Minor Home Occupation is permitted by right under Section 306, while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.)

- 1. No Impact Home-Based Business. A type of Minor Home Occupation that meets the following definition as provided in the Pennsylvania Municipalities Planning Code: 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.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any

stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swimming pool, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The I-C zoning district.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

Impervious Surfaces. A man-made or man-processed area or material, such as a building, structure, or pavement, which prevents or reduces the absorption of stormwater, thereby impeding groundwater recharge and fostering surface-water runoff. Stone areas used for vehicle movement or parking shall be considered to be impervious for the purposes of this Ordinance.

A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be towed, in regards to a trailer designed to be towed,
- B. has been demolished beyond repair,
- C. has been separated from its axles, engine, body or chassis, and/or
- D. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
  - 1. Automobile salvage yard
  - 2. A commercial or industrial metal scrap yard.
  - 3. Twenty or more "junk vehicles" that are partly or fully visible from a dwelling on another lot and/or public street, and which are kept for commercial purposes. This shall

not apply to such vehicles customarily stored as part of an auto repair garage or auto service station while they await imminent repairs or after recent damage.

- B. Junk vehicles stored within a completely enclosed building for business purposes shall be considered a warehouse.

Note - A municipality may have a more restrictive junk or junkyard ordinance.

Kennel. The keeping for commercial purposes of 11 or more dogs age 6 months or older. An allowed kennel may also include the keeping of other household pets.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase; a person leasing the property (if authorized under the lease to exercise the right of the landowner) and if such lease is for a remaining period of at least 12 months; authorized officers of a partnership or corporation that is a “landowner”; or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond which is customarily accessory to a principal “crop farming” use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals from other farms that are awaiting slaughter.

- A. Livestock or Poultry, Intensive Raising of. A type of Raising of Livestock or Poultry use that involves an average of more than 5 “animal equivalent units” per acre as calculated in State Nutrient Management regulations.

Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use or uses, accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance.

Lot, Corner. A lot abutting on 2 or more intersecting streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot, unless another sections of this Ordinance, such as for Townhouse Development, specifically permits proposed streets to be included in determining density for a specific use.
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot, unless another section of this Ordinance specifically permits proposed common open spaces to be included in determining density for a specific use.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

*Schuylkill County Zoning Ordinance*

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. Where a lot may be allowed to not be adjacent to a street, the front lot line shall be the lot line closest to a street. For a corner lot, see Section 803.B, which addresses a requirement for a front setback along each street.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear setback.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines measured at the minimum required front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. See lot width exceptions in Section 803.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the Pennsylvania as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also definitions (S. 202) of "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, limestone, sandstone, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction. The reclamation of formerly mined areas or the removal or processing of culm banks or similar waste from past mining is not regulated by this Ordinance. A shale pit of up to 2 acres

or 5 percent of the lot area, whichever is more restricted, is allowed for the personal use of a lot owner without being regulated as mineral extraction. A "Gas or Oil Well" is a separate use.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended (53 P.S. 10101 et seq.).

Nightclub. An establishment that offers amplified music and dancing after 12 midnight, sells alcoholic beverages primarily for on-site consumption, has sale of alcoholic beverages composing more than 60 percent of the dollar value of its total business, includes hours open to patrons after 12 midnight, and has a building capacity of over 150 persons. Such use may also include such activities before 12 midnight.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). See Section 805. A "nonconforming use" shall not be considered to be a permitted by right use or a special exception use.

Nudity or a State of Nudity. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state. This term shall also include the showing of the uncovered male or female genital area.

Nursing Home. A facility licensed by Pennsylvania for the housing and intermediate or fully skilled nursing care of 3 or more persons. As of 2009, such licensing agency is the Department of Health. See Section 402.

Off-Road Vehicle Park. An area of land used by four-wheel drive vehicles, pickup trucks, all terrain vehicles, motorcycles and off-road vehicles for recreational driving that is not along an improved road.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. will be owned and maintained by the owner of a rental housing development or is covered by a binding property-owners association that ensures perpetual maintenance,
- C. will be preserved by a deed restriction or conservation easement to permanently prevent uses of land other than non-commercial recreation, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
  1. existing street rights-of-way,
  2. vehicle streets or driveways providing access to other lots,
  3. land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough/Township for agricultural preservation),
  4. off-street parking (other than that clearly intended for noncommercial recreation),
  5. area(s) needed to meet a requirement for an individual lot,
  6. land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the County would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
  7. portions of land that have a width of less than 30 feet, and
  8. areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- E. each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Ordinance The Schuylkill County Zoning Ordinance, including the Official Zoning Maps, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance.

Personal Care Home or Center. See definition of "Assisted Living Facility." For the purposes of this Ordinance, "Assisted Living Facility" and "Personal Care Home" shall have the same meaning.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, massage therapy, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept as pets in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for regularly scheduled religious and/or spiritual worship for 15 or more persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the Pennsylvania Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recreational Vehicle Park. A plot of land upon which 20 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.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, or more distant cousins. See definition of "Dwelling Unit."

Renewable Energy Facility. A facility used for the collection, development, processing, production, conversion, refinement, transfer and/or storage of a renewable energy source. Specific renewable energy facilities such as solar energy, wind turbines and ethanol manufacturing or bulk storage are regulated separately. Renewable energy sources include solar, wind, biomass conversion, methane, geothermal energy, hydroelectric energy and similar energy sources, but shall not include nuclear fusion or fission.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The CR, R-2 and R-3 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing residential use on a lot of less than 5 acres, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is more than 60 percent of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

Right-of-Way, Existing or Legal Street. The official established street right-of-way that either the Borough/Township or the Pennsylvania Department of Transportation presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separately accessed units which are rented or leased for the storage of personal and small business property.

Setback. An open area of a specified minimum depth that is required to be unobstructed from the ground to the sky and that is not permitted to be covered by buildings or principal structures and that is on the same lot as the subject structure or use. Each required setback shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum setbacks.

- A. See setback exceptions in Section 803.B.
- B. Private Streets. For a building setback measured from a private street, the minimum setback shall be measured from the existing street right-of-way/easement, if one exists, or from the edge of cartway, whichever is wider.

Setback, Minimum Front. A "setback" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such setback area shall extend the full width of the lot from side lot line to side lot line.

- A. See Section 803 concerning setbacks along corner lots.
- B. No accessory or principal structure shall extend into the required front setback area, except as provided in this Ordinance.
- C. Every lot shall include at least one front lot line.

Setback, Minimum Rear.

- A. A "setback" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum distance from the rear lot line for placement of the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear setback for a principal building, and an accessory structure shall not extend into the required rear setback for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear setback.

Setback, Minimum Side.

- A. A "setback" which establishes the minimum distance from the side line for placement of the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side setback. All other lots shall include at least 2 side setbacks, except for a corner lot.

Setback Line. A line separating a required minimum front, side or rear setback area from the area within which a building or use is allowed. See also "Yard."

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Sanitary sewage service by a sewage collection system owned and/or operated by a municipality or a municipal authority or by a utility company and which serves more than 20 dwelling units or 5 principal uses.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. See Section 702.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solar Panels. Mechanisms used to capture the energy of the sun, such as to generate electricity or heat water.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Anatomical Areas. Human genitals, pubic region, anus, buttocks, female breast(s) below a point above the top of the areola, or human male genitals in a discernible turgid state, even if completely covered.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 2 or more abutting properties or that is an expressway, but not including an alley or a driveway. A street includes a right-of-way that extends beyond each side of the cartway. The terms "street," "highway," and "road" have the same meaning and are used interchangeably.

Street, Private. A street which is not a public street, and which has not been approved by the municipality for future public dedication.

Street, Public. A street owned by a municipality or the state.

Structure. Any man-made object having a stationary location on land, whether or not affixed to the land. Examples of structures include manufactured homes, signs and in-ground swimming pools. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility lines and poles, stormwater basins, wells, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Pennsylvania Municipalities Planning Code shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance. The Subdivision and Land Development Ordinance, as amended that is applicable.

Swimming Pool, Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests without financial compensation.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as more than 60 percent of the total trade and which does not meet the definition of an "after-hours club" or a "nightclub." The sale of food may also occur. See the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Single Family Attached Dwelling" under "Dwelling Types" in this Section.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- D. homeless shelter

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unlicensed Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker or does not have a valid safety inspection sticker. The requirement for a safety inspection sticker shall not apply to vehicles (such as licensed antique cars and trailers of less than 3,000 pounds gross vehicle weight rating) for which Pennsylvania regulations do not require such a sticker. The term shall not include a motor vehicle displaying an inspection sticker that expired less than 30 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code. See Section 111.

Wall. A man-made barrier constructed primarily of masonry, concrete, cinder block or similar materials.

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Public Water Service, such as but not limited to an individual on-lot well.

Water Service, Central. Water supply service to a building by a municipally-owned, authority-owned or utility company-owned water supply system that serves more than 30 dwellings or principal uses.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Wind Turbine. A device used to convert the energy in natural winds to usable electrical energy on Earth. (Note: This Ordinance treats a single accessory wind turbine differently (see Section 403) from other types of wind turbines (such as a wind farm).

Yard. An area not covered by buildings on the same lot with a structure (or a group of structures) which lies between the structure (or group of structures) and a lot line and which is unoccupied

and unobstructed from the ground upward except as permitted in the applicable Zoning Ordinance.

Yard, Front. A "yard" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line. See also "Lot Line, Front".

Yard, Rear. A "yard" extending the full width of the lot and which is measured from along the rear line, and which stretches between the side lot lines parallel to the rear lot line.

Yard, Side. A "yard" which includes the distance between a side line lot and the closest portion of a principal structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.

Zoning Map. The Official Zoning Maps of Schuylkill County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Schuylkill County Zoning Ordinance, as amended.

**ARTICLE 3**  
**DISTRICTS**

301. DESIGNATION OF DISTRICTS AND PURPOSES.

A. For the purpose of this Ordinance, the Schuylkill County municipalities that are regulated by this Zoning Ordinance are hereby divided into the following zoning districts, with the following abbreviations:

A	Agricultural District
CR	Conservation Residential District
R-1	Rural Residential District (Reserved for future use)
R-2	Medium Density Residential District
R-3	High Density Residential District
T-C	Town Center Commercial District
C-1	Local Commercial District
C-2	(Reserved for Future Use)
C-3	Highway Commercial District
C-4	Regional Highway Commercial District
I-C	Industrial-Commercial District
CM	Conservation Mining District

B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

C. Each municipality separately regulates activity within the 100-Year Floodplain. Note to Applicant: See the applicable ordinance of the appropriate Borough / Township.

D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the County Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. A-Agricultural District. - To promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also intends to protect and stabilize the County’s viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, the density of residential uses is limited and any future inhabitants in this district must be willing to accept the impacts associated with normal farming practices, and related businesses.
2. CR-Conservation Residential District. To provide for development with a low average intensity in areas that include significant important natural features, such as wetlands, mountainsides, ridgelines, creeks, flood-prone lands and steeply sloped areas. To vary density based upon the natural features of the land. To protect the water quality and habitats along creeks and around lakes, and promote groundwater recharge.

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3. R-1 - Rural Residential District . Reserved for future use.
4. R-2 - Medium Density Residential District. To serve the same purposes as the R-1 district, but with a medium density suburban density.
5. R-3 - High Density Residential District. To provide for high density residential neighborhoods that are composed of various housing types. To protect these areas from incompatible uses.
6. TC - Town Center Commercial District. To provide business opportunities while seeking to develop a central community focus for historic boroughs. To promote a pedestrian-friendly and bicycle-friendly environment. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic character, and most likely to cause conflicts with homes.
7. C-1 - Local Commercial District - To provide for a mix of housing and light business uses in a manner that avoids conflicts between homes and intensive commercial uses. To primarily provide for smaller-scale uses that will not be obtrusive in the landscape and that will not overload the road system.
8. C-2 - Reserved for Future Use
9. C-3 - Highway Commercial District. To provide for a wide range of commercial uses, particularly in areas that are not historic, not within a downtown or not adjacent to residential neighborhoods.
10. C-4 - Regional Highway Commercial District. To allow a wide range of commercial uses and selected industrial uses near highway interchanges.
11. I-C - Industrial-Commercial District. To provide for industrial and commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To promote a well-landscaped campus like setting that will help attract new employers and provide compatibility with nearby homes.
12. CM - Conservation Mining District. To recognize the primary areas in the County where there are widespread coal resources. To provide for mineral extraction/quarrying uses and appropriate uses after reclamation in a manner that protects the environment. To consider changes in the future to the zoning map to residential, commercial or industrial development in particular areas where it is shown that there are few recoverable coal resources, or where necessary to support reclamation of older mined areas, or where it is more appropriate to provide for alternative uses. To seek to avoid small pockets of residential development in the middle of mining areas.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Borough/Township through annexation or a boundary adjustment shall be automatically classified as the CR zoning district until or unless such territory is otherwise classified by amendment of this Ordinance.

303. ZONING MAP.

- A. Maps that are each entitled “Zoning Map” shall accompany this Ordinance and are declared a part of this Ordinance. The Official Zoning Map(s) should bear the adoption date of this Ordinance and the words “Official Zoning Map.” At least one paper copy of each Zoning Map shall be retained in the County Zoning Office, and which should include a signature by the Chairperson of the Board of County Commissioners. The Zoning Map(s) may be updated electronically, provided that an official paper copy is also maintained.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected or to add updated base information, the Board of Commissioners may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

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- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This Section applies if a use is developed on land under this Ordinance, and the adjacent land is in a municipality that is not regulated by this Ordinance. In such case, if the use is required to provide a larger setback and/or a buffer yard adjacent to a dwelling or a residential district, and the dwelling or residential district is in an adjacent municipality, the use shall still be required to provide the larger setback and/or buffer yard.

306. ALLOWED USES AND DIMENSIONAL REQUIREMENTS IN EACH ZONING DISTRICT.

- A. For the purposes of this Section, the following abbreviations shall have the following meanings:
  - (S. 402) = See Additional Requirements in Section 402
  - (S. 403) = See Additional Requirements in Section 403
- B. Unless otherwise provided by State or Federal law, any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as allowed in the zoning district where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

See also Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B, any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

For manufacturing uses, the types of uses listed in this Section correspond approximately to the categories of the North American Industrial Classification System, administered by the U.S. Department of Commerce. In case of question about the categorization, such system shall be consulted.

306.C. A Agricultural District.

1. Permitted by Right Uses.

- a. Additional Business Uses on a Farm (S.403)
- b. Agri-business
- c. Agricultural Uses and Buildings
- d. Cemetery, not including a Crematorium (S.402)
- e. Community Center (limited to a government-sponsored or non-profit facility) or Library
- f. Crop Farming (which shall not by itself require a zoning permit unless new or expanded buildings are involved) and Wholesale Greenhouses
- g. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship (S.402)
- h. Emergency Services Station (with an accessory Banquet Hall needing special exception approval)
- i. Food and Beverage Manufacturing and Processing
- j. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- k. Gas or Oil Well (S. 402)
- l. Golf Course with a minimum lot area of 40 acres (S. 402)
- m. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- n. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading, trucking (S. 402)
- o. Group Home within a lawful existing dwelling unit not including a Treatment Center (S. 402)
- p. Home Occupation, Minor (S. 403)
- q. Hunting and Fishing Club, provided that any firearms target range shall need special exception approval
- r. Livestock or Poultry, Raising of Non-Intensive (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- s. Nature Preserve or Environmental Education Center
- t. Parking Lot (S. 603G.)
- u. Place of Worship (includes Church) (S. 402)
- v. Retail Sales of Agricultural Products (S. 403)
- w. School, Private, Primary or Secondary (S. 402)

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- x. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
  - y. Solar Energy Collection and Processing
  - z. Stable, Household or Non-Household (includes horse-riding academy) (S. 403)
  - aa. Veterinarian Office (S. 402)
  - bb. Wind Turbine – Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine (S. 403)
  - cc. Accessory uses permitted by right (S. 103.A. and 307.C.)
2. Special Exception Uses.
- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
  - b. Airport (Private), Airport (Public), Helipad, Heliport (S. 402)
  - c. Commercial Communications Tower (S. 402)
  - d. Composting, Commercial
  - e. Day Care as accessory to a dwelling: (S. 403)
    - Family Day Care Home
    - Group Day Care Home
  - f. Emergency Services Station which may include Accessory Banquet Hall
  - g. Home Occupation, Major (S. 403)
  - h. Hunting Grounds, Commercial
  - i. Kennel, Commercial (S. 402)
  - j. Livestock or Poultry, Raising of – Intensive (S. 402)
  - k. Mineral Extraction (S.402) (Note - A Gas or Oil Well is a separate use.)
  - l. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
  - m. Sewage Treatment Plant for Centralized Service
  - n. Swimming Pool, Non-Household (S. 402)
  - o. Target Range, Firearms, either indoor or outdoor (S. 402)
  - p. Wind Turbine(s), other than is allowed as an accessory use (S. 402)

3. Dimensional Requirements.

- a. Minimum lot area:
  - 43,560 square feet without public sewage and without public water service.
  - 35,000 square feet with public sewage or public water service.
  - 10,000 square feet with public sewage and public water services.
- b. Minimum lot width:
  - 150 feet-without public sewage and without public water service
  - 125 feet-with public sewage or public water service
  - 75 feet-with public sewage and public water services
- c. Minimum set backs for principal structure:
  - 25 feet-front yard. See Note D, in Section 307.A.
  - 25 feet- rear yard. See Note \*\* in Section 307.A.
  - 10 feet-each side yard.
- d. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
  - lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- e. Maximum percent building coverage shall be 25 percent for all uses. See Note F in Section 307.A.
- f. Maximum percent impervious coverage shall be 50 percent for all uses. See Note F in Section 307.A.
- g. Height. See Section 307.B
- h. Accessory Structure Side and Rear Setbacks-3 feet. See Section 307.C.

306.D. CR Conservation Residential District.

1. Permitted by Right Uses.

- a. Additional Business Uses on a Farm (S. 403)
- b. Agri-business
- c. Agricultural Uses and Buildings
- d. Cemetery (see Crematorium listed separately) (S. 402)
- e. Community Center (limited to a government-sponsored or non-profit facility) or Library
- f. Crop Farming (which shall not by itself require a zoning permit unless new or expanded buildings are involved) and Wholesale Greenhouses
- g. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship (S. 402)
- h. Emergency Services Station with any Accessory Banquet Hall needing special exception approval
- i. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- j. Gas or Oil Well (S. 402)
- k. Golf Course, with a minimum lot area of 40 acres (S. 402)
- l. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- m. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading and trucking (S. 402)
- n. Group Home within a lawful existing dwelling unit , not including a Treatment Center (S. 402)
- o. Home Occupation, Minor (S. 403)
- p. Hunting and Fishing Club, provided that any firearms target range shall need special exception approval
- q. Livestock or Poultry, Raising of -Non-Intensive (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- r. Nature Preserve or Environmental Education Center
- s. Parking Lot (S. 603G.)
- t. Place of Worship (includes Church) (S. 402)
- u. Retail Sales of Agricultural Products (S. 403)
- v. School, Private, Primary or Secondary (S. 402)
- w. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)

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- x. Solar Energy Collection and Processing
- y. Stable, Household or Non-Household (includes horse-riding academy) (S. 403)
- z. Veterinarian Office (S. 402)
- aa. Wind Turbine – Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine (S. 403)
- bb. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Commercial Communications Tower (S. 402)
- c. Composting, Commercial
- d. Emergency Services Station which may include Accessory Banquet Hall
- e. Kennel, Commercial (S. 402)
- f. Helipad (S. 402)
- g. Livestock or Poultry, Raising of Intensive (S. 402)
- h. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
- i. Sewage Treatment Plant for Centralized Service
- j. Swimming Pool, Non-Household (S. 402)
- k. Target Range, Firearms either indoors or outdoors (S. 402)
- l. Wind Turbine(s), other than is allowed as an accessory use (S. 402)

3. Dimensional Requirements.

- a. Minimum lot area:
  - 87,120 square feet without public sewage and without public water service.
  - 43,560 square feet with non-public central sewage and/or central water service
  - 20,000 square feet with public sewage and public water services.
- b. Minimum lot width:
  - 150 feet-without central sewage and without central water service
  - 125 feet-with central sewage or central water service
  - 75 feet-with central sewage and central water services

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- c. Minimum set backs for principal structure:
  - 25 feet-front yard. See Note D, in Section 307.A.
  - 25 feet- rear yard. See Note \*\* in Section 307.A.
  - 10 feet-each side yard
- d. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
  - lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- e. Maximum percent building coverage shall be 25 percent for all uses. See Note F in Section 307.A.
- f. Maximum percent impervious coverage shall be 50 percent for all uses. See Note F in Section 307.A.
- g. Height. See Section 307.B
- h. Accessory Structure Side and Rear Setbacks-3 feet. See Section 307.C.

306.E. R-1 Rural Residential District. Reserved for future use.

306.F. R-2 Medium Density Residential District.

1. Permitted by Right Uses.

- a. Age-Restricted Residential Development (S. 309)
- b. Cemetery (see Crematorium listed separately) (S. 402)
- c. Community Center (limited to a government-sponsored or non-profit facility) or Library
- d. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship (S. 402)
- e. Emergency Services Station, with any Accessory Banquet Hall needing special exception approval
- f. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- g. Golf Course with a minimum lot area of 40 acres (S. 402)
- h. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- i. Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402)
- j. Home Occupation, Minor (S. 403)
- k. Nature Preserve or Environmental Education Center
- l. Place of Worship (includes Church) (S. 402)
- m. School, Private, Primary or Secondary (S. 402)
- n. Semi-Detached Dwelling (side-by-side)
- o. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- p. Solar Energy Collection and Processing as an accessory use
- q. Townhouse (Rowhouse) (S. 402)
- r. Wind Turbine Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- s. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Day Care as accessory to a dwelling (S. 403)
  - Family Day Care Home
  - Group Day Care Home
- c. Day Care Center, Adult (S. 402)
- d. Day Care Center, Child (S. 402) (see also as an accessory use) (S. 403)
- e. Emergency Services Station Accessory Banquet Hall
- f. Gas or Oil Well (S. 402)
- g. Home Occupation, Major (S. 403)
- h. Nursing Home or Personal Care Home/Assisted Living (S. 402)
- i. Swimming Pool, Non-Household (S. 402)

3. Dimensional Requirements.

- a. Minimum lot area for single family detached dwellings shall be:
  - 43,560 square feet without public sewage and without public water service.
  - 35,000 square feet with public sewage or public water service.
  - 10,000 square feet with public sewage and public water services.
- b. Minimum lot area of 10,000 per twin/semi-detached dwelling unit and townhouse. There shall be a minimum development tract size of 2 acres for the tract. See Note C, in Section 307.A.
- c. Other allowed use 43,560 square feet. See Note D in Section 307.A.
- d. Minimum lot width:
  - 150 feet-without public sewage and without public water service
  - 125 feet-with public sewage or public water service
  - 75 feet-with public sewage and public water services
  - 35 feet per dwelling unit. See Note B, in Section 307.A.
  - 20 feet per interior townhouse unit See Note B, in Section 307.A.
  - 30 feet for a townhouse on a corner lot See Note B, in Section 307.A.
  - 150 feet other allowed use
- e. Minimum setbacks for principal structure:
  - 25 feet-front yard. See Note D, in Section 307.A.
  - 25 feet- rear yard. See Note \*\* in Section 307.A.

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- f. Minimum side yard setbacks for principal structure:  
10 feet each side for single family detached dwelling.  
10 feet except 0 at the shared lot line for attached dwelling unit and twin semi-detached dwelling unit.  
15 feet each side-other allowed use. See Note D in Section 307.A.
- g. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
- lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- h. Maximum percent building coverage shall be 50 percent for all uses.  
See Note F in Section 307.A.
- i. Maximum percent impervious coverage shall be 70 percent for all uses.  
See Note F in Section 307.A.
- j. Height. See Section 307.B
- k. Accessory Structure Side and Rear Setbacks-3 feet Setbacks. See Section 307.C.

306.G. R-3 High Density Residential District.

1. Permitted by Right Uses.

- a. Age-Restricted Residential Development in compliance with Section 309
- b. Apartments, see also conversion of an existing building (S. 402)
- c. Cemetery (see Crematorium listed separately) (S. 402)
- d. Community Center (limited to a government-sponsored or non-profit facility) or Library
- e. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- f. Day Care as accessory to a dwelling-Family Day Care Home
- g. Emergency Services Station, with any Accessory Banquet Hall needing special exception approval
- h. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- i. Golf Course with a minimum lot area of 40 acres (S. 402)
- j. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- k. Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402)
- l. Home Occupation, Minor (S. 403)
- m. Nature Preserve or Environmental Education Center
- n. Nursing Home or Personal Care Home/Assisted Living (S. 402)
- o. Office (may include medical labs, see also Home Occupation in Section 403)
- p. Parking Lot (S. 603G.)
- q. Place of Worship (includes Church) (S. 402)
- r. School, Private, Primary or Secondary (S. 402)
- s. Semi-Detached Dwelling (side-by-side)
- t. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- u. Solar Energy Collection and Processing as an accessory use
- v. Townhouse (Rowhouse) (S. 402)
- w. Wind Turbine Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- x. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S. 402)
- c. Cultural Center or Museum
- d. Day Care as accessory to a dwelling Group Day Care Home (S. 403)
- e. Day Care Center, Adult (S. 402)
- f. Day Care Center, Child (S. 402) (see also as an accessory use) (S 403)
- g. Emergency Services Station Accessory Banquet Hall
- h. Home Occupation, Major (S. 403)
- i. Manufactured/Mobile Home Park (S. 402)
- j. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
- k. Swimming Pool, Non-Household (S 402)

3. Dimensional Requirements.

- a. Minimum lot area:
  - 43,560 square feet without public sewage and without public water service.
  - 35,000 square feet with public sewage or public water service.
  - Minimum lot area with public sewage and with public water services:
    - 2,500 square feet. for single family detached dwelling and semi-detached dwelling unit (twin).
    - 2,000 square feet. for townhouse. Per dwelling unit for the tract-2,500 square feet. See Note C and Note G in Section 307.A.
    - 5,000 square feet-other allowed use.
- b. Minimum lot width:
  - 150 feet-without public sewage and without public water service
  - 125 feet-with public sewage or public water service
  - Minimum lot width with public sewage and with public water
    - 25 feet for single family detached dwelling and semi-detached dwelling unit (twin).
    - 25 feet for unit on a corner lot.
    - 20 feet per interior dwelling unit (townhouse)
    - 50 feet for duplex or other apartment dwellings.

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50 feet for any other allowed use.

See Note B in Section 307.A.

- c. Minimum setbacks for principal structure without public sewage and without public water:
- 25 feet-front yard. See Note D, in Section 307.A.
  - 25 feet- rear yard. See Note \*\* in Section 307.A.
  - 10 feet-each side yard setback:
- d. Minimum setbacks with public sewage and with public water services:
- 5 feet-front yard setback for all uses.
  - 15 feet-rear yard setback for all uses.
- e. Minimum side yard setback:
- 3 feet each side for single family detached dwelling.
  - 3 feet one side for twin semi-detached dwelling unit.
  - 3 feet, except 0 at the shared lot line of lawfully attached dwellings.
  - 10 feet for duplex or apartment dwellings.
  - 10 feet-other allowed principal use. See Note \*\* in Section 307.A.
- f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
- lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- g. Maximum percent building coverage shall be 75 percent for all uses.  
See Note F in Section 307.A.
- h. Maximum percent impervious coverage shall be 90 percent for all uses.  
See Note F in Section 307.A.
- i. Height. See Section 307.B
- j. Accessory Structure Side and Rear Setbacks-3 feet See Section 307.C.

306.H. TC Town Center Commercial District.

1. Permitted by Right Uses.

- a. Amusement Arcade
- b. Apartments (S. 402), see also conversions of an existing building
- c. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- d. Bakery, Retail
- e. Bed and Breakfast Inn (S. 402)
- f. Beverage Distributor (wholesale and/or retail)
- g. Business Service Use (such as package delivery drop-off)
- h. Catering, Custom, for Off-Site Consumption
- i. Cemetery (see Crematorium listed separately) (S. 402)
- j. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- k. Community Center (limited to a government-sponsored or non-profit facility) or Library
- l. Conference Center
- m. Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S. 402)
- n. Crafts or Artisan's Studio (see also as Home Occupation)
- o. Cultural Center or Museum
- p. Custom Printing, Copying, Faxing, Mailing or Courier Service
- q. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- r. Day Care (S. 403) as accessory to a dwelling:
  - Family Day Care Home
  - Group Day Care Home
- s. Day Care Center, Adult (S. 402)
- t. Day Care Center, Child (S. 402) (see also as an accessory use) (S. 403)
- u. Emergency Services Station, which may include an Accessory Banquet Hall
- v. Exercise Club
- w. Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403
- x. Flea Market/Auction House
- y. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)

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- z. Funeral Home
- aa. Garden Center, Retail (see also “Wholesale Greenhouses”)
- bb. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- cc. Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
- dd. Home Occupation, Major or Minor (S. 403)
- ee. Hotel/Motel (S. 402)
- ff. Laundromat
- gg. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
- hh. Nature Preserve or Environmental Education Center
- ii. Nursing Home or Personal Care Home/Assisted Living (S. 402)
- jj. Office (may include medical labs, see also Home Occupation in Section 403)
- kk. Outdoor Storage and Display as accessory to a business use shall also comply with Sections 402, 803 and 804
- ll. Parking Garage or Parking Lot (S. 603G.)
- mm. Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home Occupation)
- nn. Place of Worship (includes Church) (S. 402)
- oo. Recording Studio, Music
- pp. Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in Section 306
- qq. Repair Service, Household Appliance
- rr. Restaurant or Banquet Hall without drive-through service (S. 402)
- ss. Retail Store (not including uses listed individually in Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy
- tt. School, Private, Primary or Secondary (S. 402)
- uu. Semi-Detached Dwelling (side-by-side)
- vv. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- ww. Solar Energy Collection and Processing
- xx. Swimming Pool, Non-Household (S. 402)

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- yy. Theater, Indoor Movie, other than an Adult Use
- zz. Townhouse (Rowhouse) (S. 402)
- aaa. Trade / Hobby School
- bbb. U.S. Postal Service Facility, which may include a leased facility
- ccc. Veterinarian Office (S. 402)
- ddd. Warehousing or Storage as an on-site accessory use
- eee. Wind Turbine Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- fff. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Boarding House (includes Rooming House) (S. 402)
- c. Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803
- d. Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- e. Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)

3. Dimensional Requirements. Allowed residential uses shall meet the regulations of the R-3 district. Apartments that are accessory to a commercial use shall have a minimum lot area of 1,000 square feet per dwelling unit.

The following regulations apply for other uses:

- a. Minimum lot area shall be 2,500 square feet. See Note E in Section 307.A.
- b. Minimum lot width shall be 25 feet.
- c. Minimum front yard setback shall be 0 feet. No new vehicle parking shall be located between the front lot line of a State Road and the front of a principal building. See Note D, in Section 307.A. See Section 307.D.
- d. Minimum rear yard setback shall be 10 feet for other allowed uses. See Note \*\* in Section 307.A.
- e. Minimum side yard setback shall be 0 feet. If an attached building is demolished, then a new building may be attached along the same lot line. See Note \*\* in Section 307.A.

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- f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
  - lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- g. Maximum percent building coverage shall be 90 percent for other allowed uses. See Note F, in Section 307.A.
- h. Maximum percent impervious coverage shall be 95 percent for all uses. See Note F in Section 307.A.
- i. Height See Section 307.B
- j. Accessory Structure Side and Rear Setbacks Side-0 feet, Rear-10 feet. See Section 307.C.

306.I. C-1 Local Commercial District.

1. Permitted by Right Uses.

- a. Amusement Arcade
- b. Apartments, see also conversions of an existing building (S. 402)
- c. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- d. Bakery, Retail
- e. Bed and Breakfast Inn (S. 402)
- f. Beverage Distributor (wholesale and/or retail)
- g. Business Service Use (such as package delivery drop-off)
- h. Catering, Custom, for Off-Site Consumption
- i. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- j. Community Center (limited to a government-sponsored or non-profit facility) or Library
- k. Conference Center
- l. Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation.
- m. Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S. 402)
- n. Crafts or Artisan's Studio (see also as Home Occupation)
- o. Cultural Center or Museum
- p. Custom Printing, Copying, Faxing, Mailing or Courier Service
- q. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- r. Day Care as accessory to a dwelling: (S. 403)
  - Family Day Care Home
  - Group Day Care Home
- s. Day Care Center, Adult (S. 402)
- t. Day Care Center, Child (S. 402) (see also as an accessory use) (S. 403)
- u. Emergency Services Station, which may include an Accessory Banquet Hall
- v. Exercise Club
- w. Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403
- x. Flea Market/Auction House
- y. Funeral Home

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- z. Garden Center, Retail (see also “Wholesale Greenhouses”)
- aa. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- bb. Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402)
- cc. Home Occupation, Major or Minor (S. 403)
- dd. Hospital or Surgery Center
- ee. Hotel/Motel (S. 402)
- ff. Laundromat
- gg. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
- hh. Nature Preserve or Environmental Education Center
- ii. Nursing Home or Personal Care Home/Assisted Living (S. 402)
- jj. Office (may include medical labs, see also Home Occupation)
- kk. Outdoor Storage and Display as accessory to a business use shall also comply with Sections 402, 803 and 804
- ll. Parking Garage or Parking Lot (S. 603G.)
- mm Personal Services (includes tailoring, custom dressmaking, haircutting / styling, travel agency, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home Occupation)
- nn. Photo Processing, Bulk
- oo. Place of Worship (includes Church) (S. 402)
- pp. Printing or Bookbinding
- qq. Recording Studio, Music
- rr. Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in Section 306
- ss. Repair Service, Household Appliance
- tt. Restaurant or Banquet Hall (S. 402), which may include drive-through service (S. 403)
- uu. Retail Store (not including uses listed individually in Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy
- vv. School, Private, Primary or Secondary (S. 402)
- ww. Self-Storage Development (S. 402)
- xx. Semi-Detached Dwelling (side-by-side)

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- yy. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- zz. Solar Energy Collection and Processing
- aaa. Swimming Pool, Non-Household (S. 402)
- bbb. Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)
- ccc. Theater, Indoor Movie, other than an Adult Use
- ddd. Townhouse (Rowhouse) (S. 402)
- eee. Trade/Hobby School
- fff. U.S. Postal Service Facility, which may include a leased facility
- ggg. Veterinarian Office (S. 402)
- hhh. Warehousing or Storage as an on-site accessory use
- iii. Water Park
- jjj. Wind Turbine Maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- kkk. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Auto Repair Garage or Auto Service Station (S. 402)
- c. Boarding House (includes Rooming House) (S. 402)
- d. Manufactured/Mobile Home Park (S. 402)
- e. Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- f. Recreation, Commercial Outdoor (S. 402) (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in Section 306
- g. Target Range, Firearms – Completely indoor and enclosed (S. 402)
- h. Wholesale Sales (other than Motor Vehicles)

3. Dimensional Requirements.

- a. Minimum lot area:
  - 43,560 square feet without public sewage and without public water service.
  - 35,000 square feet with public sewage or public water service.

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Minimum lot area with public sewage and public water services:

2,500 square feet. for single family detached dwelling and semi-detached dwelling unit (twin).

2,000 square feet. for townhouse. Per dwelling unit for the tract-2,500 square feet. See Note C and Note G in Section 307.A.

5,000 square feet as other allowed use.

- b. Minimum lot width measured at minimum building setback line shall be:
- 25 feet for single family detached dwelling and
  - 25 feet for semi-detached dwelling unit (twin).
  - 20 feet per interior dwelling unit (townhouse)
  - 25 feet for unit on a corner lot.
  - 50 feet for duplex or other apartment dwellings.
  - 50 feet for any other allowed use.
- See Note B in Section 307.A.
- c. 5 feet-minimum front yard setback for all uses.
- d. 15 feet-minimum rear yard setback for all uses.
- e. Minimum side yard setback:
- 3 feet each side for single family detached dwelling.
  - 3 feet one side for twin semi-detached dwelling unit.
  - 3 feet, except 0 at the shared lot line of lawfully attached dwellings.
  - 10 feet for duplex or other apartment dwellings.
  - 10 feet as other allowed principal use. See Note \*\* in Section 307.A.
- f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
- lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- g. Maximum percent building coverage shall be 75 percent for all uses. See Note F in Section 307.A.
- h. Maximum percent impervious coverage shall be 90 percent for all uses. See Note F in Section 307.A.
- i. Height. See Section 307.B
- j. Accessory Structure Side and Rear Setbacks-3 feet See Section 307.C.

306.J. C-2 Reserved for Future Use

306.K. C-3 Highway Commercial District.

1. Permitted by Right Uses.

- a. Amusement Arcade
- b. Amusement Park or Water Park
- c. Animal Cemetery (S. 402)
- d. Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)
- e. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- f. Auto Repair Garage or Auto Service Station (S. 402)
- g. Auto, Boat or Mobile/Manufactured Home Sales (S. 402)
- h. Bakery, Retail
- i. Bed and Breakfast Inn (S. 402)
- j. Beverage Distributor (wholesale and/or retail)
- k. Building Supplies and Building Materials, Wholesale Sales of
- l. Bus Maintenance or Storage Yard
- m. Business Service Use (such as package delivery drop-off)
- n. Car Wash (S. 402)
- o. Catering, Custom, for Off-Site Consumption
- p. Cemetery (see Crematorium listed separately) (S. 402)
- q. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- r. Community Center (limited to a government-sponsored or non-profit facility) or Library
- s. Conference Center
- t. Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803
- u. Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S. 402)
- v. Crafts or Artisan's Studio (see also as Home Occupation)
- w. Cultural Center or Museum
- x. Custom Printing, Copying, Faxing, Mailing or Courier Service
- y. Day Care Center, Adult (S. 402)

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- z. Day Care Center, Child (see also as an accessory use) (S. 402)
- aa. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- bb. Day Care as accessory to a dwelling: (S. 403)
  - Family Day Care Home
  - Group Day Care Home
- cc . Emergency Services Station, which may include an Accessory Banquet Hall
- dd. Exercise Club
- ee. Financial Institution (includes banks), with any “Drive-through” facilities meeting Section 403
- ff . Flea Market/Auction House
- gg. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- hh. Funeral Home
- ii. Garden Center, Retail (see also “Wholesale Greenhouses”)
- jj. Gas or Oil Well (S. 402)
- kk. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- ll. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading and trucking (S. 402)
- mm. Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402)
- nn. Home Occupation, Major or Minor (S. 403)
- oo. Hospital or Surgery Center
- pp. Hotel/Motel (S. 402)
- qq. Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets
- rr. Laundromat
- ss. Laundry, Commercial or Industrial
- tt . Lumber Yard
- uu. Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:
  - Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)
  - Electrical Equipment, Appliances and Components
  - Jewelry and Silverware
  - Medical Equipment and Supplies

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- Scientific, Electronic and Other Precision Instruments
- Sporting Goods, Toys, Games, Musical Instruments or Signs
- Wood Products and Furniture (not including raw paper pulp)
- vv. Manufacturing, Custom, or Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- ww. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met(S. 402)
- xx. Mineral Extraction limited to coal, and not involving on-site mechanical processing facilities (S. 402)
- yy. Nature Preserve or Environmental Education Center
- zz. Nursing Home or Personal Care Home / Assisted Living (S. 402)
- aaa. Office (may include medical labs, see also Home Occupation) (S. 403)
- bbb. Outdoor Storage and Display as accessory to a business use shall also comply with Sections 402, 803 and 804
- ccc. Package Delivery Services Distribution Center
- ddd. Parking Garage or Parking Lot (S. 603G.)
- eee. Pawn Shop
- fff. Personal Services (includes tailoring, custom dressmaking, haircutting / styling, travel agency, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home Occupation)
- ggg. Photo Processing, Bulk
- hhh. Picnic Grove, Commercial (S. 402)
- iii. Place of Worship (includes Church) (S. 402)
- jjj. Printing or Bookbinding
- kkk. Recording Studio, Music
- lll. Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in Section 306
- mmm. Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in Section 306 (S. 402)
- nnn. Recreational Vehicle Park, which may include an accessory camp store that is primarily for use by campers (S. 402)
- ooo. Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this does not include a solid waste disposal or transfer facility) (S. 402)
- ppp. Repair Service, Household Appliance

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- qqq. Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)
- rrr. Restaurant or Banquet Hall (S. 402):
  - with drive-through service (S. 403)
  - without drive-through service
- sss. Retail Store (not including uses listed individually in Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy
- ttt. Sawmill/Planing Mill
- uuu. School, Private, Primary or Secondary (S. 402)
- vvv. Self-Storage Development (S. 402)
- www. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- xxx. Solar Energy Collection and Processing
- yyy. Stable, Non-Household, includes horse-riding academy) (S. 402)
- zzz. Swimming Pool, Non-Household (S. 402)
- aaaa. Target Range, Firearms Completely indoor and enclosed (S. 402)
- bbbb. Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)
- cccc. Theater, Indoor Movie, other than an Adult Use
- dddd. Trade/Hobby School
- eeee. U.S. Postal Service Facility, which may include a leased facility
- ffff. Veterinarian Office (S. 402)
- gggg. Warehousing or Storage as an on-site accessory use
- hhhh. Welding
- iiii. Wholesale Sales (other than Motor Vehicles)
- jjjj. Wind Turbine, maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- kkkk. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Commercial Communications Tower (S. 402)
- c. Helipad (S. 402)
- d. Hunting Grounds, Commercial
- e. Kennel, Commercial (S. 402)

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- f. Manufacture and/or bulk processing of Fabricated Metal Products, provided manufacturing occurs only indoors, and/or Machine Shops, but with manufacture of the following being prohibited: Explosives, Fireworks or Ammunition
  - g. Manufactured/Mobile Home Park (S. 402)
  - h. Nightclub
  - i. Off-Road Vehicle Parks (S. 402), which shall include uses operating as a “club” or a business
  - j. Sewage Treatment Plant for centralized service
  - k. Target Range, Firearms – Other than above (S. 402)
  - l. Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)
3. Dimensional Requirements.
- a. Minimum lot area  
10,000 square feet, except 43,560 if the lot is not served by public water and sewage services. See Note E in Section 307.A.
  - b. Minimum lot width 75 feet, except 150 feet if the lot is not served by public water and sewage services.
  - c. Minimum front yard setback shall be 35 feet. See Note D in Section 307.A.
  - d. Minimum rear yard setback shall be 25 feet. See Note \*\* in Section 307.A.
  - e. Minimum side yard setback for each shall be 25 feet. See Note \*\* in Section 307.A.
  - f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
    - lot width is 30 feet or less, both side yard setbacks-0 feet
    - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
    - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
  - g. Maximum percent building coverage-60 percent. See Note F in Section 307.A.
  - h. Maximum percent impervious coverage-90 percent. See Note F in Section 307.A.
  - i. Height. See Section 307.B
  - j. Accessory Structure Side and Rear Setbacks -25 feet See Section 307.C.

306.L. C-4 Regional Highway Commercial District.

1. Permitted by Right Uses.

- a. Amusement Arcade
- b. Amusement Park or Water Park
- c. Animal Cemetery (S. 402)
- d. Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)
- e. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- f. Auto Repair Garage or Auto Service Station (S. 402)
- g. Auto, Boat or Mobile/Manufactured Home Sales (S. 402)
- h. Bakery, Retail
- i. Bed and Breakfast Inn (S. 402)
- j. Beverage Distributor (wholesale and/or retail)
- k. Building Supplies and Building Materials, Wholesale Sales of
- l. Bus Maintenance or Storage Yard
- m. Business Service Use (such as package delivery drop-off)
- n. Car Wash (S. 402)
- o. Catering, Custom, for Off-Site Consumption
- p. Cemetery (see Crematorium listed separately) (S. 402)
- q. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- r. Community Center (limited to a government-sponsored or non-profit facility) or Library
- s. Conference Center
- t. Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803
- u. Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (S. 402)
- v. Crafts or Artisan's Studio (see also as Home Occupation)
- w. Cultural Center or Museum
- x. Custom Printing, Copying, Faxing, Mailing or Courier Service
- y. Day Care Center, Adult (S. 402) or Day Care Center, Child (S. 402) (see also as an accessory use) (S. 403)

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- z. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- aa. Day Care as accessory to a dwelling: (S. 403)
  - Family Day Care Home
  - Group Day Care Home
- bb. Emergency Services Station, which may include an Accessory Banquet Hall
- cc. Exercise Club
- dd. Financial Institution (includes banks), (S. 402) with any “Drive-through” facilities meeting Section 403
- ee. Flea Market/Auction House
- ff. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- gg. Funeral Home
- hh. Garden Center, Retail (see also “Wholesale Greenhouses”)
- ii. Gas or Oil Well (S. 402)
- jj. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- kk. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading and trucking (S. 402)
- ll. Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402)
- mm. Home Occupation, Major or Minor (S. 403)
- nn. Hospital or Surgery Center
- oo. Hotel/Motel (S. 402)
- pp. Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets
- qq. Laundromat
- rr. Laundry, Commercial or Industrial
- ss. Lumber Yard
- tt. Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:
  - Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)
  - Electrical Equipment, Appliances and Components
  - Jewelry and Silverware
  - Medical Equipment and Supplies
  - Scientific, Electronic and Other Precision Instruments
  - Sporting Goods, Toys, Games, Musical Instruments or Signs
  - Wood Products and Furniture (not including raw paper pulp)

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- uu. Manufacturing, Custom, or Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- vv. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met(S. 402)
- ww. Mineral Extraction limited to coal, and not involving on-site mechanical processing facilities (S. 402)
- xx. Nature Preserve or Environmental Education Center
- yy. Nursing Home or Personal Care Home/Assisted Living (S. 402)
- zz. Office (may include medical labs, see also Home Occupation) (S. 403)
- aaa. Outdoor Storage and Display as accessory to a business use shall also comply with Sections 402, 803 and 804
- bbb. Package Delivery Services Distribution Center
- ccc. Parking Garage or Parking Lot (S. 603G.)
- ddd. Pawn Shop
- eee. Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home Occupation)
- fff. Photo Processing, Bulk
- ggg. Picnic Grove, Commercial (S. 402)
- hhh. Place of Worship (includes Church) (S. 402)
- iii. Printing or Bookbinding
- jjj. Recording Studio, Music
- kkk. Recreational, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in Section 306
- lll. Recreational, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in Section 306 (S. 402)
- mmm. Recreational Vehicle Park, which may include an accessory camp store that is primarily for use by campers (S. 402)
- nnn. Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this does not include a solid waste disposal or transfer facility) (S. 402)
- ooo. Repair Service, Household Appliance
- ppp. Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)
- qqq. Restaurant or Banquet Hall (S. 402):

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- with drive-through service (S. 403)
- without drive-through service
- rrr. Retail Store (not including uses listed individually in Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy
- sss. Sawmill/Planing Mill
- ttt. School, Private, Primary or Secondary (S. 402)
- uuu. Self-Storage Development (S. 402)
- vvv. Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- www. Solar Energy Collection and Processing
- xxx. Stable, Non-Household; includes horse-riding academy) (S. 402)
- yyy. Swimming Pool, Non-Household (S. 402)
- zzz. Target Range, Firearms-Completely indoor and enclosed (S. 402)
- aaaa. Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)
- bbbb. Theater, Indoor Movie, other than an Adult Use
- cccc. Trade/Hobby School
- dddd. U.S. Postal Service Facility, which may include a leased facility
- eeee. Veterinarian Office (S. 402)
- ffff. Warehousing or Storage as an on-site accessory use
- gggg. Welding
- hhhh. Wholesale Sales (other than Motor Vehicles)
- iiii. Wind Turbine, maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- jjjj. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Adult Use (S. 402)
- c. After Hours Club to the extent the use is not prohibited by State Act 219 of 1990 (S. 402)
- d. Betting Use, other than small games of chance and lotteries allowed under State law
- e. BYOB Club

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- f. Commercial Communications Tower (S. 402)
  - g. Helipad (S. 402)
  - h. Hunting Grounds, Commercial
  - i. Kennel, Commercial (S. 402)
  - j. Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops
  - k. Nightclub
  - l. Off-Road Vehicle Parks, which shall include uses operating as a “club” or a business (S. 402)
  - m. Sewage Treatment Plant for centralized service
  - n. Target Range, Firearms Outdoor (S. 402)
  - o. Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)
3. Dimensional Requirements.
- a. Minimum lot area
    - 10,000 square feet except 43,560 if the lot is not served by public water and public sewage services. See Note E in Section 307.A.
  - b. Minimum lot width measured at minimum building setback line shall be 75 feet, except 150 feet if the lot is not served by public water and sewage services.
  - c. Minimum front yard setback shall be 35 feet. See Note D in Section 307.A.
  - d. Minimum rear yard setback shall be 25 feet. See Note \*\* in Section 307.A.
  - e. Minimum side yard setback for each shall be 25 feet.  
See Note \*\* in Section 307.A.
  - f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
    - lot width is 30 feet or less, both side yard setbacks-0 feet
    - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
    - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
  - g. Maximum percent building coverage-60 percent. See Note F in Section 307.A.
  - h. Maximum percent impervious coverage-90 percent. See Note F, in Section 307.A.
  - i. Height. See Section 307.B
  - j. Accessory Setbacks. See Section 307.C.

306.M. I-C Industrial-Commercial District.

1. Permitted by Right Uses.

- a. Amusement Arcade
- b. Amusement Park or Water Park
- c. Animal Cemetery (S. 402)
- d. Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)
- e. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- f. Auto Repair Garage or Auto Service Station (S. 402)
- g. Auto, Boat or Mobile/Manufactured Home Sales (S. 402)
- h. Bakery, Retail
- i. Bed and Breakfast Inn (S. 402)
- j. Beverage Distributor (wholesale and/or retail)
- k. Building Supplies and Building Materials, Wholesale Sales of
- l. Bus Maintenance or Storage Yard
- m. Business Service Use (such as package delivery drop-off)
- n. Camp (S. 402) other than Recreational Vehicle Park
- o. Car Wash (S. 402)
- p. Catering, Custom, for Off-Site Consumption
- q. Cemetery (see Crematorium listed separately) (S. 402)
- r. Coal Gasification and/or Liquefaction Facility, which may involve fertilizer production and electricity production
- s. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- t. Commercial Communication Tower (S. 402)
- u. Community Center (limited to a government-sponsored or non-profit facility) or Library
- v. Conference Center
- w. Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803
- x. Crafts or Artisan's Studio (see also as Home Occupation)
- y. Cultural Center or Museum
- z. Custom Printing, Copying, Faxing, Mailing or Courier Service

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- aa. Day Care Center, Adult (S. 402) or Day Care Center, Child (S. 402) (see also as an accessory use)
- bb. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- cc. Day Care as accessory to a dwelling(S. 403)
  - Family Day Care Home
  - Group Day Care Home
- dd. Distribution as a principal use (see also Trucking Company Terminal)
- ee. Emergency Services Station, which may include an Accessory Banquet Hall
- ff. Exercise Club
- gg. Financial Institution (includes banks), with any “Drive-through” facilities meeting Section 403
- hh. Flea Market / Auction House
- ii. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- jj. Funeral Home
- kk. Garden Center, Retail (see also “Wholesale Greenhouses”)
- ll. Gas or Oil Well (S. 402)
- mm. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- nn. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading, trucking and bottling (S. 402)
- oo. Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
- pp. Helipad, Heliport (S. 402)
- qq. Home Occupation, Major or Minor (S. 403)
- rr. Hospital or Surgery Center
- ss. Hotel/Motel (S. 402)
- tt. Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets
- uu. Laundromat or Laundry, Commercial or Industrial
- vv. Livestock or Poultry, Raising of-Intensive (S. 402).. Livestock or Poultry, Raising of Non-Intensive (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- ww. Lumber Yard

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- xx. Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)
  - Ceramics Products (other than Crafts Studio)
  - Clay, Brick, Tile and Refractory Products
  - Computers and Electronic and Microelectronic Products
  - Electrical Equipment, Appliances and Components
  - Ethanol Manufacturing and/or Bulk Storage and provided a 500 feet setback is required from such manufacturing or storage facilities from an R-2 or R-3 district and provided bulk storage shall not be allowed without manufacturing
  - Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops
  - Food and Beverage Manufacturing and Processing (S. 402)
  - Gaskets
  - Glass and Glass Products (other than Crafts Studio)
  - Jewelry and Silverware
  - Leather and Allied Products (other than Crafts Studio or Tannery)
  - Machinery
  - Manufactured or Modular Housing Manufacture
  - Medical Equipment and Supplies
  - Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)
  - Pharmaceuticals and Medicines
  - Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film
  - Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber
  - Scientific, Electronic and Other Precision Instruments
  - Sporting Goods, Toys, Games, Musical Instruments or Signs
  - Transportation Equipment
  - Wood Products and Furniture (not including raw paper pulp)
- yy. Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- zz. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met(S. 402)
- aaa. Mineral Extraction (S. 402) limited to coal. See other types under special exception uses.
- bbb. Nature Preserve or Environmental Education Center
- ccc. Nursing Home or Personal Care Home / Assisted Living (S. 402)
- ddd. Office (may include medical labs, see also Home Occupation) (S. 402)
- eee. Outdoor Storage and Display as accessory to a business use shall also comply with Sections 402, 803 and 804

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- fff. Package Delivery Services Distribution Center
- ggg. Packaging
- hhh. Parking Garage or Parking Lot (S. 603G.)
- iii. Personal Services (includes tailoring, custom dressmaking, haircutting / styling, travel agency, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home Occupation)
- jjj. Photo Processing, Bulk
- kkk. Picnic Grove, Commercial (S. 402)
- lll. Place of Worship (S. 402) (includes Church)
- mmm. Printing or Bookbinding
- nnn. Recording Studio, Music
- ooo. Recreational, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses)
- ppp. Recreational Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in Section 306 (S. 402)
- qqq. Recreational Vehicle Park, which may include an accessory camp store that is primarily for use by campers (S. 402)
- rrr. Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this does not include a solid waste disposal or transfer facility) (S. 402)
- sss. Renewable Energy Facility, also see Solar Energy, Wind Turbines and other renewable energy uses listed separately (S. 402)
- ttt. Repair Service, Household Appliance
- uuu. Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)
- vvv. Restaurant or Banquet Hall (S. 402), which may include drive-through service (S. 403)
- www. Retail Store (not including uses listed individually in Section 306) or Shopping Center, and which may include a building occupied by multiple retail stores and which may include drive-through service for a pharmacy
- xxx. Sawmill/Planing Mill
- yyy. School, Public or Private, Primary or Secondary (S. 402)
- zzz. Self-Storage Development (S. 402)
- aaaa. Solar Energy Collection and Processing
- bbbb. Stable, Non-Household; includes horse-riding academy) (S. 402)
- cccc. Swimming Pool, Non-Household (S. 402)

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- dddd. Target Range, Firearms Completely indoor and enclosed (S. 402)
- eeee. Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)
- ffff. Theater, Indoor Movie, other than an Adult Use
- gggg. Trade/Hobby School
- hhhh. Trucking Company Terminal (S. 402)
- iiii. U.S. Postal Service Facility, which may include a leased facility
- jjjj. Veterinarian Office (S. 402)
- kkk. Warehousing or Storage as a principal use or accessory use
- lll. Welding
- mmmm. Wholesale Sales (other than Motor Vehicles)
- nnnn. Wind Turbine, with unlimited number on a lot that are designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- oooo. Wind Turbine(s), other than is allowed as an accessory use in Section 402
- pppp. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Asphalt Plant
- b. Composting, Commercial
- c. Crematorium
- d. Hunting Grounds, Commercial
- e. Junk Yard (S. 402)
- f. Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles
- g. Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:
  - Agricultural Chemicals, Fertilizers or Pesticides
  - Cement Manufacture
  - Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately
  - Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement
  - Explosives, Fireworks or Ammunition
  - Paper Raw Pulp
  - Metal Products, Primary
  - Mineral Products, Non-metallic (other than Mineral Extraction)
  - Paving Materials, other than bulk manufacture of asphalt
  - Roofing Materials and Asphalt Saturated Materials or Natural/Synthetic Rubber

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- h. Mineral Extraction and related processing, stockpiling and storage of materials removed from the site and/or buildings, other than coal mining which is allowed by right. (S. 402)A Gas or Oil Well is a separate use
- i. Motor Vehicle Racetrack (S. 402)
- j. Municipal Solid Waste (MSW) Landfill (which may include but is not limited to a construction and demolition waste landfill), Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)
- k. Nightclub
- l. Off-Road Vehicle Parks include uses operating as a “club” or a business (S. 402)
- m. Pawn Shop
- n. Petroleum Refining
- o. Propane Retail Distributor, other than pre-packaged sales, with a 150 feet minimum setback required between any storage or dispensing facilities and any residential district, and with fire company review
- p. Sewage Treatment Plant for centralized service
- q. Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines
- r. Treatment Center (S. 402)

3. Dimensional Requirements.

- a. Minimum lot area  
43,560 sq. ft. without public/central water and without public/central sewage  
35,000 sq. ft. with public/central water or with public/central sewage,  
10,000 sq. ft. with public/central water and with public/central sewage.  
See Note E, in Section 307.A.
- b. Minimum lot width measured at minimum building setback line shall be 150 feet, except 75 feet with public/central water and sewage services.
- c. Minimum front yard setback line shall be 10 feet, except 20 feet if a residential district is across the street. See Note D, in Section 307.A.
- d. Minimum rear yard setback shall be 20 feet. See Notes \*\* and A in Section 307.A.
- e. Minimum side yard setback for each side shall be 15 feet. See Notes \*\* and A in Section 307.A.
- f. Maximum percent building coverage shall be 60 percent. See Note F, in Section 307.A.
- g. Maximum percent impervious coverage shall be 90 percent. See Note F, in Section 307.A.
- h. Height. Section 307.B.
- i. Accessory Setbacks. See Section 307.C.

306.N. CM Conservation Mining District.

1. Permitted by Right Uses.

- a. Additional Business uses on a Farm (S.403)
- b. Agri-business
- c. Agricultural uses and buildings
- d. Animal Cemetery (S. 402)
- e. Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)
- f. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
- g. Bed and Breakfast Inn (S. 402)
- h. Camp other than Recreational Vehicle Park (S. 402)
- i. Cemetery (see Crematorium listed separately) (S. 402)
- j. Coal Gasification and/or Liquefaction Facility, which may involve fertilizer production and electricity generation
- k. College or University - Educational and Support Buildings (other than environmental education center or residential uses)
- l. Community Center (limited to a government-sponsored or non-profit facility) or Library
- m. Crop Farming (which shall not by itself require a zoning permit unless new or expanded buildings are involved) and Wholesale Greenhouses
- n. Cultural Center or Museum
- o. Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- p. Day Care as accessory to a dwelling: (S. 403)
  - Family Day Care Home
  - Group Day Care Home
- q. Emergency Services Station, which may include an Accessory Banquet Hall
- r. Ethanol Manufacturing and/or Bulk Storage and provided a 500 feet setback is required from such manufacturing or storage facilities from an R-2 or R-3 district and provided bulk storage shall not be allowed without manufacturing
- s. Forestry (which shall not by itself require a zoning permit unless new or expanded buildings are involved)
- t. Garden Center, Retail (see also “Wholesale Greenhouses”)
- u. Gas or Oil Well (S. 402)

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- v. Groundwater or Spring Water withdrawal averaging less than 100,000 gallons per day, (which shall not by itself require a zoning permit unless new or expanded buildings or structures are involved) (S. 402)
- w. Groundwater or Spring Water withdrawal facility averaging more than 100,000 gallons per day, which may involve loading and trucking. (S. 402)
- x. Group Home within a lawful existing dwelling unit , not including a Treatment Center(S. 402)
- y. Home Occupation, Major or Minor (S. 403)
- z. Manufacture and/or bulk processing of Agricultural Chemicals, Fertilizers or Pesticides, provided manufacturing occurs only indoors
- aa. Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination with Principal Research and Development
- bb. Membership Club Meeting and Non-Commercial Recreational Facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in Section 306 shall only be allowed if so listed and if the requirements for that use are also met (S. 402)
- cc. Mineral Extraction and related processing, stockpiling and storage of materials removed from the site and/or buildings (S. 402) (Note - A Gas or Oil Well is a separate use.)
- dd. Nature Preserve or Environmental Education Center
- ee. Office (may include medical labs; see also Home Occupation)
- ff. Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 402, 803 and 804
- gg. Parking Lot (S. 603G.)
- hh. Picnic Grove, Commercial (S. 402)
- ii. Place of Worship (includes Church) (S. 402)
- jj. Recreational Vehicle Park (S. 402), which may include an accessory camp store that is primarily for use by campers
- kk. Renewable Energy Facility-also see Solar Energy, Wind Turbines and other uses renewable energy uses listed separately (S. 402)
- ll. Sawmill/Planing Mill
- mm. School, Private, Primary or Secondary (S. 402)
- nn. Single Family Detached Dwelling (Note: Manufactured / mobile homes shall meet the additional requirements of Section 402)
- oo. Solar Energy Collection and Processing
- pp. Stable, Household or Non-Household (S. 402); includes horse-riding academy)
- qq. Swimming Pool, Non-Household (S. 402)
- rr. Target Range, Firearms (S. 402) completely indoor and enclosed

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- ss. U.S. Postal Service Facility, which may include a leased facility
- tt. Veterinarian Office (S. 402)
- uu. Warehousing or Storage as an on-site accessory use
- vv. Wind Turbine(s), other than is allowed as an accessory use in Sections 402 and 403
- ww. Wind Turbine, maximum of one on a lot that is designed primarily for on-site electricity use, and which meets the requirements for an Accessory Wind Turbine in Section 403
- xx. Accessory uses permitted by right (S. 103.A. and 307.C.)

2. Special Exception Uses.

- a. Adaptive Reuse of a Former School, Place of Worship or Industrial Building in compliance with Section 402
- b. Airport (Private), Airport (Public), Helipad, Heliport (S. 402)
- c. Asphalt Plant
- d. Car Wash (S. 402)
- e. Commercial Communications Tower (S. 402)
- f. Composting, Commercial
- g. Crematorium
- h. Hotel or Motel (S. 402)
- i. Hunting Grounds, Commercial
- j. Junk Yard (S. 402)
- k. Kennel, Commercial (S. 402)
- l. Manufacture and/or bulk processing of cement provided manufacturing occurs only indoors
- m. Municipal Solid Waste (MSW) Landfill (which may include but is not limited to a construction and demolition waste landfill), Solid Waste Transfer Facility or Waste to Energy Facility, (S. 402)
- n. Nursing Home or Personal Care Home/Assisted Living, provided the use is served by public sewage service that is owned and/or operated by a Municipality or Authority.
- o. Off-Road Vehicle Parks, which shall include uses operating as a “club” or a business (S. 402)
- p. Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in Section 306 (S. 402)
- q. Sewage Treatment Plant for centralized service
- r. Target Range, Firearms, either indoors or outdoors (S. 402)

3. Dimensional Requirements.

- a. Minimum lot area for single family detached dwellings shall be:
  - 43,560 square feet without public sewage and without public water service.
  - 35,000 square feet with public sewage or public water service.
  - 10,000 square feet with public sewage and public water services.
- b. Minimum lot width:
  - 150 feet-without public sewage and without public water service
  - 125 feet-with public sewage or public water service
  - 75 feet-with public sewage and public water services
- c. Minimum front yard setback for principal structure-25 feet.  
See Note D, in Section 307.A.
- d. Minimum rear yard setback for principal structure-25 feet.  
See Note \*\* in Section 307.A.
- e. Minimum side yard setback: for principal structure-10 feet.
- f. If a lawful lot that existed prior to the adoption date of this Ordinance has a nonconforming lot width, then the minimum side yards for principal and accessory structures may be reduced as follows:
  - lot width is 30 feet or less, both side yard setbacks-0 feet
  - lot width is greater than 30 feet and up to and including 50 feet, both side yard setbacks- 3 feet.
  - lot width is greater than 50 feet, both side yard setbacks- 5 feet.
- g. Maximum percent building coverage shall be 25 percent for all uses.  
See Note F in Section 307.A.
- h. Maximum percent impervious coverage shall be 50 percent for all uses.  
See Note F in Section 307.A.
- i. Height. See Section 307.B
- j. Accessory Structure Side and Rear Setbacks-3 feet. See Section 307.C.

307. ADDITIONAL USE AND DIMENSIONAL REQUIREMENTS.

A. Notes. The following notes apply to Section 306.

\*\* =The following exceptions shall apply:

For accessory structures and uses, see Section 307.C.

Structures shall not obstruct minimum sight clearance at intersections.

Corner lot setbacks, see Section 803.B.

Extension of nonconforming setbacks, see Section 805

Permitted reductions in setbacks to reflect average setbacks of adjacent buildings, see Section 803.

(Note A) = Except 15 feet side and 30 feet rear for a principal business from a lot in a residential district that is occupied by a principal dwelling. Such side or rear yard shall be increased to 70 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

(Note C) = The average density is based upon gross acreage. The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each twin and townhouse dwelling unit shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- See also the applicable standards in Section 402, which may require common open space for townhouses and apartments.

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- (Note D) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback.
- (Note E) = See natural feature regulations in Section 308. If any lot is not served by both public water service and public sewage service, then a minimum lot area of one acre shall apply, unless a more restrictive requirement is stated, and where dwellings are allowed, the lot shall not include more than one dwelling unit.
- (Note F) = For townhouses and semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- (Note G) = The minimum average lot area per apartment dwelling shall be reduced to 2,000 square feet if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with physical disabilities, and there is no occupancy by any person under age 18 years old.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

- B. Height. Except as provided in subsection “4.” below, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:
1. A vehicle garage placed on a separate lot without a principal use on that lot or any structure that is accessory to a dwelling on a lot of less than 2 acres shall have a maximum height of 25 feet.
  2. In the C-1, C-3, C-4, I-C and CM districts, a maximum building height of 100 feet shall apply, provided that no portion of a building shall exceed a maximum height of 50 feet if it is within 80 feet of the lot line of an existing principal dwelling in a residential district.
  3. The maximum height for any other structure shall be 40 feet.
  4. The maximum building or structure height specified for each district shall not apply to: antennas that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, flag poles, electrical transmission lines, elevator shafts, skylights, cupolas, domes, chimneys, outdoor wood burners, mineral extraction structures, utility poles and towers, heating/ventilation/air conditional equipment, smokestacks, monuments, industrial mechanical equipment areas that are not occupied by humans, amusement parks, agricultural buildings and silos or other agricultural appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.
    - a. Commercial communications towers may exceed the maximum height as provided in Sections 306 and 402.
    - b. Wind turbines and related testing towers may exceed the maximum height as provided in Sections 306, 402 and 403.

- c. Solar energy collection devices may extend a maximum of 15 feet above the maximum height, including above buildings and signs. Solar energy panels may be placed over vehicle parking areas without the panels being regulated by setbacks or coverage limitations.

5. See also definition of "Building Height" and "Height" in Section 202.

C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks as provided in Section 306, unless otherwise provided for in this Ordinance.
2. The minimum side and rear yard setback (including from an alley) for a permitted detached structure that is accessory to a dwelling shall be 3 feet, except in the following cases:
  - a. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side yard on any lot line where the dwellings are not attached.
  - b. A residential deck, patio or porch that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such deck, patio or porch may be covered by a roof or awning. See Note D in 307.A considering front yard setbacks.
  - c. See Section 403 for swimming pools.
3. No accessory building and no in-ground swimming pool shall be allowed in the minimum front yard.
4. A vehicle garage may be placed on a separate lot in all districts without a principal use on that lot, provided the garage is only used for household storage and vehicle parking. For height of garage see Section 307.B. This subsection 4, shall only allow a garage on a lot that does not have a principal use if the garage has its only vehicle access onto an alley with a right-of-way width of 20 feet or less.
5. See also the provisions in various districts that allow smaller setbacks on nonconforming lots.

D. Maximum Building Setback. In the C-1 district, the maximum front yard building setback for a new principal building shall be 30 feet from the street right-of-way that will exist after the completion of the development. This maximum front yard setback may be met with an attached roofed front, outdoor café area or part or all of the principal building.

E. Appalachian Trail Setback. A 300 feet minimum building setback shall apply from each side from the centerline of the Trail. This provision shall not apply to shelters for hikers that are authorized on federally or State owned recreation lands.

F. Reserved.

G. Flag Lot. A lot may be allowed to meet the minimum lot width at a proposed front yard setback line instead of at the minimum front yard setback line if the lot is approved as a

“flag lot.” A minimum 33 feet lot width shall be required along the street right-of-way. The “pole” portion of the flag lot shall not count towards the minimum lot area. A maximum of one flag lot shall be allowed to be created from each 15 acres of existing lot area as of the enactment date of this Ordinance. The driveway of the lot shall be located on the “pole” portion of the lot and shall connect to a public street / road. The pole portion of the lot shall not exceed a distance of 600 feet from the road. No buildings shall be allowed in the “pole” portion of the lot. A minimum front yard setback shall be measured from the point where the lot meets the minimum lot width requirement. See Section 801.A.1, which may be used in combination with one flag lot.

- H. Twin Dwelling Subdivision. If 2 semi-detached (side-by-side) dwelling units exist on one lot, they may be subdivided so that one dwelling unit exists on each lot, without having to meet any dimensional requirements of this Ordinance. (Note to Applicant: See Subdivision and Land Development Ordinance regarding whether the water and sewage provider should be contacted to determine whether separate laterals will be required.)
- I. Accessory Garage on Separate Lot. See Section 307.C.4.
- J. Combination of Dwelling Units. Two attached dwelling units may be combined into one dwelling unit without having to meet any dimensional requirements of this Ordinance.
- K. Mobile Homes as Storage. A former mobile/manufactured home shall only be used for storage if needed as part of a temporary on-site active construction project. A former mobile/manufactured home shall not be used as storage as accessory to an existing dwelling.

308. WETLANDS, LAKES, STEEP SLOPES AND WATERWAY CONSERVATION.

- A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the County. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- B. Wetland and Lake Setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any non-man-made "wetland" that has been delineated or natural lake or pond.
- C. Steep Slopes. See Section 1102.A.1. of the County Subdivision and Land Development Ordinance or applicable Subdivision and Land Development Ordinance. This section shall apply unless development is prohibited by such Ordinance. If a new principal building is proposed to be constructed or placed on an area with a natural slope of 25 percent or greater, the minimum lot size shall be increased to 2 acres, unless a larger lot size is established by another section of this Ordinance. Such 2 acre lot area shall be reduced to a minimum lot area of 30,000 square feet if the lot is served by central sewage services unless a larger lot

size is required by the zoning district under Section 306. If a new lot is proposed, the applicant shall designate the maximum extent of portions of the lot where the principal building is proposed, and if it intrudes into an area of 25 percent or more slope, then the 2 acre minimum lot size shall apply. These steep slope provisions shall not apply to slopes that were clearly man-made prior to the adoption of this Section. This section shall not apply to an intrusion of less than 500 square feet into areas of 25 percent or greater slope.

- D. Setback from Waterways. No new building, no new off-street parking space and no new commercial or industrial outdoor storage shall be allowed within 75 feet from the top of the primary bank of a river and 50 feet from the top of the primary bank of any other perennial creek or waterway. This section shall not apply within the TC, C-1, or R-3 districts or on land areas that were previously occupied by buildings or paving.
  - 1. The US Geological Survey Topographic Maps shall be used to define a perennial river/ creek/ waterway.
  - 2. Where trees and other natural vegetation are removed within this setback, it is requested that new trees and thick understory vegetation be planted that serve the same environmental purposes.

309. AGE RESTRICTED RESIDENTIAL DEVELOPMENT.

- A. This section provides a density bonus for a residential development that is age restricted in compliance with the Federal requirements for "Housing for Older Persons" as specified in the United States Code. (Note: As of 2009, such provisions were in 42 U.S.C. 3607.) This provision shall not change the allowed dwelling types in the district. This option is available as a by right bonus in any zoning district where dwellings are allowed.
- B. In order to be approved by the County as Age Restricted Residential Development, every dwelling unit (except one dwelling unit for one manager) on a tract of land shall be permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one head of household of each dwelling unit shall be age 55 years or older or who is physically disabled as defined by Social Security disability regulations, and 2) no person under age 18 shall live in the dwelling unit for more than 60 days in any calendar year, unless such person has a disability as defined under Federal fair housing regulations. Any violation of such age restrictions shall be a violation of this Zoning Ordinance. In addition, in order to be approved as Age Restricted Development, the applicant shall establish an appropriate legal entity, such as a property-owner association that has the duty, authority and responsibility to enforce such age restrictions over time. If a household met this requirement at the time of initial occupancy, it shall not be required to move in case of death, divorce or separation of a resident of that same household.
- C. If an entire residential development is approved under this Section 309, then the minimum lot area or the minimum average lot area per dwelling unit, as applicable, shall be reduced by 20 percent. Alternatively, where density is stated in terms of a maximum number of dwelling units per acre, the maximum density may be increased by 20 percent. The minimum side yards may also be reduced by 20 percent. An Age Restricted Residential

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Development shall meet all other requirements of applicable zoning and subdivision and land development ordinances, including limitations on the housing types allowed in that zoning district.

310. AGRICULTURAL NUISANCE DISCLAIMER.

- A. Agricultural Nuisance Disclaimer - The following notice, or similar text pre-approved by the Borough/Township, is required to be placed on the deed of any new lot that is created within the A District and shall be disclosed to any buyer of a lot prior to a sale:
  - 1. Agricultural Nuisance Disclaimer - Lands within the A District are located within an area where land is used for commercial agricultural production. Owners and residents may be subjected to inconveniences arising from normal agricultural operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, and are hereby put on official notice the Pennsylvania "Right to Farm Law" may bar them from obtaining legal recourse against such normal agricultural operations.

**ARTICLE 4**  
**ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

401. APPLICABILITY.

- A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.
  2. The first part of this Article (402) addresses principal uses and the second part (403) addresses accessory uses.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

- A. Each of the following uses shall meet all of the following requirements for that use:

1. **Adaptive Reuse of a Former School, Place of Worship or Industrial Building.**

- a. As a special exception, where authorized by Section 306, the Zoning Hearing Board may approve the adaptive reuse of a building that was previously occupied as a primary or secondary school, place of worship, accessory building to a place of worship (such as a rectory or convent) or a principal industrial use. The Zoning Hearing Board may allow the conversion of the building into apartments, offices, personal service uses, retail sales uses, community center, restaurant, exercise club, wedding chapel, banquet hall, funeral home, a personal care home, a nursing home or other uses that the Zoning Hearing Board determines are similar in impacts. The applicant shall not be required to show proof of hardship to gain approval under this Section.
- b. The approval shall specify the maximum number of dwelling units approved on the lot. A minimum lot area per dwelling unit is not specified, but the Zoning Hearing Board shall consider reasonable use of the property in determining a maximum density. The intent is to allow a higher density for dwelling units that are age restricted or that include only one bedroom.
- c. An addition of up to 20 percent of the existing floor area may be approved as part of this approval. Any larger addition shall comply with the zoning district regulations.
- d. Upon request of the applicant, the Zoning Hearing Board may modify off-street parking requirements as part of this approval. The applicant shall provide testimony that they have considered all reasonable alternatives to provide parking to meet Section 601, and that the modification of parking requirements will not create a serious shortage of on-street parking in the neighborhood.
- e. The applicant shall describe in writing or on plans any measures that will be used to preserve historic architectural features of the building.

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- f. A building addressed by this subsection may also be converted into a single family detached dwelling as by a by right use without having to meet any zoning regulations, other than obtaining a permit.
2. **Adult Use.** (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
    - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
      - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
      - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
      - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
    - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
      - (1) 500 lineal feet from the lot line of an existing dwelling,
      - (2) 500 lineal feet from the lot line of any lot in a residential zoning district,
      - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
    - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
    - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
    - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
    - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
    - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
    - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.

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- i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
  - j. A minimum lot area of 1 acre is required.
  - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
  - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
  - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
  - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
  - o. Any application for such use shall state the name and daytime address of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during County business hours. Such information shall be regularly updated in writing to the Zoning Officer.
  - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
  - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
  - r. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
3. **After Hours Club.** This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 500 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.
4. **Airport.**
- a. As part of any special exception use approval required under Article 3, the Zoning Hearing Board shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
  - b. As part of a special exception use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.

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- c. Each end of a runway shall be setback a minimum of 150 feet from all lot lines. Each side of a runway shall be setback a minimum of 75 feet from all lot lines.
- 5. **Animal Cemetery.**
  - a. All the regulations for a "cemetery" in this Section shall apply.
- 6. **Apartments.** See "Townhouses and Apartments" in this Section 402.
- 7. **Assisted Living Facility/Personal Care Center.** The standards for nursing homes in this section shall apply.
- 8. **Auto, Boat or Mobile/Manufactured Home Sales.**
  - a. No vehicle, boat or home on display shall occupy any part of the street right-of-way.
  - b. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- 9. **Auto Repair Garage.**
  - a. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
  - b. The use shall not meet the definition of a "junkyard" (as defined by Article 2) unless the requirements for such use are also met.
- 10. **Auto Service Station.**
  - a. This use may be combined with an Auto Repair Garage if the requirements for each are met.
  - b. Fuel pumps shall be at least 25 feet from the street right-of-way and shall meet side yard principal building setback requirements.
  - c. The use shall not meet the definition of a "junkyard" (as defined by Article 2) unless the requirements for such use are also met.
  - d. The use may include a "convenience store" if the requirements for such use are also met.
  - e. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line. Such canopy may be attached to the principal building. A portion of the allowed wall sign area may be placed on the canopy.
- 11. **Bed and Breakfast Inn.**
  - a. Within an agricultural or residential district (where permitted under Section 306), a maximum of 6 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
  - b. One off-street parking space shall be provided for each rental unit, plus employee parking. To the maximum extent feasible, any area of 5 or more new off-street parking spaces shall be: a) located either to the side or rear of the principal building and b) screened from the street and abutting dwellings by landscaping.
  - c. The use shall be owned, operated or managed by permanent residents of the lot.

- d. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- e. Guests shall not routinely stay for more than 21 days in any month.

12. **Boarding House (includes Rooming House).**

- a. Minimum lot area- 20,000 square feet, unless a larger lot size is required by the zoning district regulations.
- b. Minimum side yard building setback - 30 feet side
- c. Minimum lot width- 150 feet
- d. Maximum density- 3 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note: There are separate standards for an "assisted living facility," which is not considered a boarding house.

13. **Campground, Camp or Recreational Vehicle Park.**

- a. Retail sales shall be allowed as an accessory use, provided that in a residential district, the store is primarily intended to serve persons camping on the site.
- b. Minimum lot area - 1 acre in an allowed commercial or industrial district, 5 acres in any other district where the use is permitted under Article 3.
- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 75 feet from any contiguous lot line of an existing dwelling or public recreation land that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
  - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
- d. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- e. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family.
- f. See also regulations in the County Subdivision and Land Development Ordinance or applicable Subdivision and Land Development Ordinance for a "Recreational Vehicle Park".

14. **Car Wash.**

- a. On-lot traffic circulation channels and parking areas shall be clearly marked.

- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

15. **Cemetery.**

- a. Minimum lot area 2 acres, which may be on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no structures shall be located within the 100-year floodplain.

16. **Commercial Communications Tower as a principal use.**

- a. Any commercial communications tower shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
  - (1) Such tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the tower/antenna above the surrounding ground level. The Zoning Hearing Board may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 200 feet plus the total height of the tower above the surrounding ground level.
  - (3) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the County.
  - (4) An applicant for a new commercial tower shall provide evidence to the Zoning Hearing Board ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable, and that therefore a new tower is needed. The reasons shall be provided.
  - (5) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed,

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unless the applicant proves to the Zoning Hearing Board as a special exception use that a taller height is absolutely necessary and unavoidable.

- (6) The application shall describe any proposed lighting. The Board may require lighting of a tower even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
  - b. Purposes - These provisions for commercial towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
    - (1) To protect property values.
    - (2) To minimize the visual impact of communication towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
    - (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
  - c. Any communication tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the tower use is no longer in active use. Any lease shall require such removal by the owner of the tower. Any lease should provide that the lease shall expire once the tower is removed. The Zoning Hearing Board may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
  - d. All accessory utility buildings or cabinets shall have a maximum height of 25 feet and meet principal building setbacks.
17. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- a. See Article 3, which regulates where conversions are permitted.
  - b. A previously residential building shall maintain a clearly residential appearance as viewed from the street, except as may be necessary for restoration of a historic building or the addition of handicapped or fire safety improvements.
  - c. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 4,000 square feet of building floor area at the time of adoption of this Ordinance.
  - d. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
18. **Day Care Center, Adult.**
- a. The use shall include constant supervision during all hours of operation.
  - b. The use shall not meet the definition of a "treatment center."

19. **Day Care Center, Child.**
  - a. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
  - b. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 30,000 square feet and a minimum setback for buildings and outdoor play areas of 25 feet from an abutting "residential lot line."
  - c. The use shall include secure fencing around outdoor play areas.
  - d. This use shall not be conducted as a principal use in a building that is physically attached to a dwelling that does not have a common owner.
  - e. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
  
20. **Gas and Oil Wells.** The provisions of Section 403 apply as either a principal or accessory use.
  
21. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course.
  
22. **Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than 100,000 gallons per day from a lot for off-site consumption.** (Note - If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)
  - a. The provisions of this subsection are not intended to prohibit the actual water withdrawal, but instead to address related uses and activities. The regulations of this subsection shall not apply to water used by a principal agricultural use within the County.
  - b. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such report shall only be required to address the suitability of the public road/street system to handle the resulting truck traffic.
  - c. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
  
23. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
  - a. The use shall meet the definition in Section 202.
  - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
  - c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
    - (1) if a more restrictive requirement is established by another code requirement;
    - (2) the number of bona fide paid professional staff shall not count towards such maximum; and
    - (3) as may be approved by the Zoning Hearing Board under Section 111.D.

- d. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- e. Parking - See Section 601.
- f. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- g. The persons living on-site shall function as a common household unit.
- h. An off-street parking space shall be provided for the largest vehicle that serves the use.

24. **Heliport/Helipad.**

- a. The applicant shall prove that the heliport/helipad has been located and designed to minimize noise nuisances to other properties.
- b. The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.

25. **Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

26. **Junkyard.**

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk and junk vehicles shall be kept at least: a) 100 feet from any residential lot line, and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- g. No Junkyard shall be located within the boundaries of the watershed of any Municipality or any Private Water Company whose business is to supply potable water

to its citizens or customers or within the boundaries of any publicly owned recreation facility.

- h. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.
- i. Where an aspect of a Junkyard is regulated by both this Ordinance and an ordinance of the Borough/Township, the provision that is more restrictive upon the Junkyard use shall apply.

27. **Kenel.**

- a. All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

28. **Livestock and Poultry Intensive, Raising of.**

- a. Minimum lot area - 25 acres shall apply for an "Intensive Raising of Livestock or Poultry" use.
- b. For an Intensive Raising of Livestock or Poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 1) 400 feet from a lot in a R-2 or R-3 district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines.
- c. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances, or where the applicant proves that a particular provision is preempted under State law.
- d. The setbacks from property lines provided in this section for this use shall not apply from dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
- e. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
  - (1) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. Applicants should consider the applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for

Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.

Note to Applicant - See procedures and requirements of the State Nutrient Management Act and accompanying State regulations, including manure storage facility setbacks.

- (2) Buildings used for the keeping of livestock or poultry shall:
    - (a) not be located within 100 feet of a perennial stream, river, natural lake, or water supply reservoir, and
    - (b) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
  - f. A zoning permit shall be required for any building. A zoning permit shall not be required for the use of keeping of livestock or poultry by itself, unless the use meets the definition of an "Intensive Keeping of Livestock or Poultry" use.
29. **Manufactured Homes and Manufactured Home Parks.** See "Mobile/Manufactured Home" and "Mobile/Manufactured Home Park" in this Section.
30. **Membership Club.**
- a. See definition in Article 2.
  - b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
  - c. This use shall not include an "After Hours Club."
31. **Mineral Extraction.**
- a. The following shall apply to mineral extraction other than water, coal and gas and oil wells (See definition in Section 202):
    - (1) If a Mineral Extraction use involves mining activities over more than 2 acres of land in any calendar year, then the following additional requirements shall be met:
      - (a) When mineral extraction is adjacent to a roadway and within the established distance under State regulations, the Zoning Hearing Board may require a 50 foot wide yard covered by natural vegetative an earthen berm and/or the use of a fence
      - (b) A plan shall be submitted showing sequential phases of mining activities on the land.
  - b. The following shall apply to Mineral Extraction of Coal:
    - (1) See various district regulations in Section 306, which may limit the locations of certain mechanical processing facilities and buildings and/or may require special exception approval.
  - c. See separate provisions in Section 403 for "Gas and Oil Wells."

32. **Mobile/Manufactured Home.** Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this ordinance.
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
  - b. Anchoring. Notice to Applicant: See requirements of the Construction Codes, in addition to the manufacturer's specifications for installation.
33. **Mobile/Manufactured Home Park.**
- a. Plans and Permits. Plans shall be submitted and reviewed by the County for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the applicable Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
  - b. The minimum tract area shall be 3 contiguous acres, unless a larger tract area is required by Section 306 in a particular zoning district. This minimum tract area shall be under single ownership.
  - c. Density The maximum average density of the tract shall be 5 dwelling units per acre.
    - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
  - d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 20 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception use approval. The same area of land may count towards both the landscaped area and the building setback requirements.
  - e. The following setbacks shall apply unless a differing requirement applies under the applicable Subdivision and Land Development Ordinance:
    - (1) A dwelling, including any attached accessory building, shall be setback a minimum of 20 feet from another dwelling within the mobile home park, except that unenclosed decks, patios, porches, awnings and accessory buildings may be 15 feet from the walls of another dwelling.
    - (2) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 15 feet.
    - (3) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 40 feet.
    - (4) A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that

these areas will be suitable for active or passive recreation. This open space shall be maintained by the owner of the manufactured home park.

- f. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- g. Streets. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- h. Utilities. All units within the mobile home park shall be connected to a central water and a central sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- i. Other Requirements. A manufactured/mobile home park shall comply with all of the same requirements that apply to a subdivision or land development of site-built single family detached dwellings, except for requirements that are specifically modified by this section.

34. **Motor Vehicle Race Track.**

- a. All areas used for the racing of motor vehicles and related testing and maintenance shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary. Any improved track used for motorcycles, all terrain vehicles or motor vehicles for commercial purposes shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary.
- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary.
- c. The applicant shall prove that the standards of Article 5 will be met.
- d. Minimum lot area - 30 acres.
- e. For a special exception use, the Zoning Hearing Board may require the installation of sound barriers or berms and/or the planting of additional trees.

35. **Nursing Home.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

36. **Off-Road Vehicle Park.**

- a. A use that only involves unimproved facilities with no defined tracks, ramps, structures or parking and which is only used by residents or owners of a lot and their occasional invited guests shall not be regulated by this provision.
- b. The use shall comply with provisions of the Subdivision and Land Development Ordinance.
- c. Camping facilities, overnight use of recreational vehicles or cabins shall only be allowed if all applicable requirements for a campground are also met.
- d. Any area regularly used by off road vehicles or their testing and maintenance shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential

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district boundary. If there is racing by motorcycles or on-road vehicles, the requirements for a Motor Vehicle Race Track shall also be met.

- e. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary.
- f. The applicant shall prove that the standards of Article 5 will be met.
- g. Minimum lot area - 30 acres.
- h. For a special exception use, the Zoning Hearing Board may require the installation of sound barriers or berms and/or the planting of additional trees.
- i. All tracks and buildings shall be setback a minimum of 100 feet from any perennial river, creek or other waterway.
- j. The off-road vehicles shall not be operated by customers between the hours of 9 pm and 7 am.

37. **Outdoor Storage and Display.** The provisions listed for this use under Section 403 shall apply.

38. **Picnic Grove, Commercial.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. Minimum lot area - 3 acres.

39. **Place of Worship.**

- a. Minimum lot area- 1.5 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.
- b. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a "family." No other residential use shall be allowed.

40. **Recreation, Outdoor**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 20 feet from any residential lot line.
- b. This term shall not include "Publicly-Owned Recreation," a "Golf Course," or a "Motor Vehicle Race Track."
- c. In a residential district, the minimum lot area shall be 2.5 acres, unless a more restrictive lot area is established by another section of this Ordinance.
- d. Maximum impervious coverage in any residential district - 25 percent.

- e. Maximum building coverage in any residential district - 15 percent.
  - h. A site plan meeting the requirements of Article 1 shall be submitted to the County.
  - i. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.
  - j. Any Restaurant open to the public, Tavern, Firearms Target Range, Camp, Campground, or Commercial Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.
41. **Recreational Vehicle Park.** See “Campground, Camp or Recreational Vehicle Park” in this Section.
42. **Recycling Collection Center.**
- a. This use shall not be bound by the requirements of a Municipal Solid Waste (MSW) Landfill.
  - b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
  - c. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a County- or municipally-owned use, subject to the limitations of this section.
  - d. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
  - e. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning, and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
  - f. The use shall not include the collection or processing of motor vehicles or items of similar size.
43. **Renewable Energy Facility.**
- a. The applicant shall provide a written statement describing measures that will be used to minimize hazards from any explosive or fire hazards.
44. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.
45. **Restaurant.**
- a. See "Drive-Through" service in Section 403.

- b. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
46. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
  - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
  - c. The use shall not include a dormitory unless specifically permitted in the District.
47. **Self-Storage Development.**
- a. Radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - b. Nothing shall be stored in a manner that would obstruct interior traffic aisles that are necessary to provide customer and emergency access to each unit.
  - c. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - d. Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803.
48. **Solid Waste Transfer Facility, Municipal Solid Waste (MSW) Landfill, or Solid Waste-to-Energy Facility.**
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
  - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing occupied dwelling that the applicant does not have an agreement to purchase. Any solid waste landfill disposal area shall be setback a minimum of 1,320 feet from any public water supply.
  - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
  - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
  - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the County. Violations of this condition shall also be considered to be violations of this Ordinance.
  - f. Open dumps and open burning of refuse are prohibited.
  - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without

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bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the County.

- h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- i. A chain link or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. A buffer yard meeting Section 803 with plantings with an initial height of 6 feet shall be required between the use and any adjacent public street or dwelling. The Board may also require the installation of earth berms and/or shade trees as needed to reduce the visibility of landfill operations from public streets or dwellings.
- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- l. Attendant. An attendant shall be present during all periods of operation or dumping.
- m. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
- n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- o. Under authority granted under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- p. Tires. See "Outdoor Storage and Display" in Section 403.
- q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- s. The applicant shall provide sufficient information for the County to determine that the requirements of this Ordinance will be met.
- t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the County and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts County regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PADEP at the same time as they are submitted to DEP.

- u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
  - v. A professional traffic study shall be submitted with the zoning application. The traffic study shall meet the requirements of the Subdivision and Land Development Ordinance and shall identify intended truck routes into and out of the facility to reach expressways.
49. **Stable, Nonhousehold or Household.** (Includes riding academies)
- a. Minimum lot area - 2 acres for first horse or similar animal, plus one acre for each horse or similar animal in excess of one.
  - b. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any lot line of an existing adjacent dwelling and from the edge of a perennial waterway.
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek.
50. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
  - b. Minimum lot area- 20,000 square feet.
  - c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
51. **Target Range.**
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
  - b. The following provisions shall not apply to a target range that is only used by residents or owners of a lot and their occasional guests:
    - (1) The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
    - (2) An outdoor firearms target range and any firing stations shall be located a minimum of 450 feet from the nearest occupied building on another lot, unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
    - (3) An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
    - (4) An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
    - (5) A target range shall only be used for types of firearms or other weapons for which it was specifically designed.

- (6) An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- (7) Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- (8) See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

**52. Townhouses and Apartments.**

- a. Maximum length and width of an attached grouping of townhouses - 160 feet. Maximum number of Apartments that shall be within a building - 12, except no maximum shall apply in a building in which all units are permanently age restricted to at least one resident age 55 and older.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. On a tract of more than two acres, a minimum of 15 percent of the total lot area of the development involving Townhouses and Apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. .
  - (1) If a development will not be restricted to at least one resident age 55 and older, then the common open space should include a rectangular grass field that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space should at a minimum include landscaped trails that are ADA-accessible.
  - (2) Common open space under this section may be used to meet any recreation requirements under the Subdivision Ordinance, if the land would meet both ordinances.
  - (3) This open space shall be maintained by the owner of a rental development or by a property owner's association, unless a municipality specifically agrees to accept ownership.

53. **Treatment Center.**

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

54. **Trucking Company Terminal.**

- a. As a condition of special exception use approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

55. **Veterinarian Office.** (includes Animal Hospital)

- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling on another lot, unless the building is completely soundproofed and air conditioned.
- b. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

56. **Wind turbines, Other than is Allowed for Wind Turbine as an Accessory Use by Section 403 (This section regulates, among other items, 2 or more wind turbines per lot, or a wind turbine as a principal use).**

- a. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than 3 times the maximum height to the top of the maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the distance from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- b. The audible sound from the wind turbine(s) shall not exceed 45 A weighted decibels, as measured at the exterior of a occupied dwelling on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.

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- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base.
- f. In situations other than “a.”, all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.
- g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- h. The turbine shall include automatic devices to address high speed winds.
- i. Accessory electrical facilities are allowed, such as a transformer.
- j. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- k. A wind turbine regulated by this Section shall be setback a minimum of 800 feet from each side of the centerline of the Appalachian Trail.
- l. If two or more wind turbines are on a lot, they shall need approval as a Land Development under the Subdivision and Land Development Ordinance.
- m. Wherever a wind turbine is allowed, a temporary test tower shall also be allowed.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right or special exception are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance. An accessory building shall only be allowed on the same lot as a principal building, except for an agricultural building or stable or as specifically allowed by this Ordinance.
- B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  - 1. **Additional Business Uses on a Farm**. This use may be approved on a lawful existing lot with a minimum lot area of 20 acres that include a principal agricultural use and subject to the following:
    - a. Shall be defined as a limited-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. These businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, to promote reuse of older barns, and to provide needed services to other farmers and nearby residents.
    - b. Shall be conducted by a resident or owner of the property, his/her “relatives,” and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
    - c. Any new building constructed and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used shall not exceed 8,000 square feet. This 8,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. May use buildings of any size that existed prior to the effective date of this Ordinance. The total area used, including parking, shall not exceed 3 acres.
    - d. Shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
    - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.

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- f. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
- g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.
- h. Only one sign shall advertise the business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated.
- i. The following activities shall be permitted by right:
  - (1) farm equipment or farm vehicle repair;
  - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
  - (3) welding and custom machining of parts;
  - (4) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
  - (5) barber/beauty shops;
  - (6) construction tradesperson's headquarters;
  - (7) music, hobby, trade or art instruction for up to 10 persons at a time;
  - (8) small engine repair;
  - (9) custom woodworking or wood refinishing;
  - (10) custom blacksmithing or sharpening services;
  - (11) rental storage of household items, vehicles, boats and building materials;
  - (12) boarding of animals, not including a kennel or a stable (which are separate uses);
  - (13) custom butchering, not including a commercial slaughterhouse or stockyard;
  - (14) processing and storage of agricultural products, other than a commercial slaughterhouse;
  - (15) sawmill;

See also Stables and Retail Sales of Agricultural Products, which are treated as separate uses.
- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- k. If an activity would be permitted as either an Additional Business Uses on a Farm or a Home Occupation, then the applicant may choose which set of provisions shall apply.
- l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
- m. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
- n. The lot shall have provisions for trucks to turn around on the site without backing onto a public street.

2. **Day Care, Child - as accessory to a Dwelling.**

- a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
- b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling.
- c. In a residential district, an existing dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic, fire safety and handicapped access improvements.
- d. The use shall be actively operated by a permanent resident of the dwelling.
- e. See also "Day Care Center" as a principal use and Day Care as accessory to a Place of Worship in Section 402.

3. **Drive-through facilities.**

- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

4. **Fences and Walls that Are Not Part of a Building.**

- a. See sight clearance provisions at an intersection in the applicable Subdivision and Land Development Ordinance.

5. **Gas and Oil Wells as a Principal or Accessory Use.**

- a. Gas and Oil Wells shall only be allowed where provided under Section 306.
- b. A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the County by the principal owner of record of the adjacent lot.
- c. A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.
- d. A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.
- e. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks onto and off of the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.

- f. A County Zoning Permit shall be required for a Gas or Oil Well. Prior to receiving a Zoning Permit, the applicant shall also provide written notification to the Township/Borough, with such notification describing impacts upon roads.
6. **Home Occupations.** (Note: In most cases, a Major Home Occupation needs Zoning Hearing Board approval while a Minor Home Occupation is permitted by right. See subsection “b” for uses that are Minor Home Occupations.)
- a. All home occupations shall meet the following requirements:
    - (1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of two persons working on-site or operating a vehicle from the site at any one time who do not reside within the dwelling.
    - (2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
    - (3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit (not including vehicle garage floor area and other than space with less than 6.5 feet clear vertical height), except such percentage may be 50 percent for an office use. The use shall clearly be secondary to the residential use.
    - (4) One off-street parking space shall be required per non-resident employee who has a vehicle on-site.
    - (5) The use shall not regularly require delivery by tractor-trailer trucks.
    - (6) No more than 2 trucks shall be parked overnight on a residential lot as part of a home occupation.
    - (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
    - (8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7 a.m.
    - (9) Any tutoring or instruction shall be limited to a maximum of 4 students at a time.
    - (10) A barber or beauty shop shall not include more than one non-resident employee.
    - (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
    - (12) See Home Occupation sign provisions in Article 7.
    - (13) The use shall not involve manufacturing, other than of custom crafts and sewing.
    - (14) The use shall not involve commercial repair of motor vehicles. Auto body work shall not be allowed as a home occupation.
    - (15) The use may include sales using telephone, mail order, or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.

- b. The standards in “a” apply to both Major and Minor Home Occupations. To be permitted by right as a “Minor Home Occupation,” the use shall only involve the following activities:
    - (1) work routinely conducted within an office,
    - (2) custom sewing and fabric and basket crafts,
    - (3) cooking and baking for off-site sales and use,
    - (4) creation of visual arts (such as painting, wood carving or screen printing on clothes),
    - (5) repairs to and assembly of computers and computer peripherals,
    - (6) headquarters of a construction trades-person, provided that no more than 2 non-resident employees shall operate from the lot,
    - (7) tutoring or instruction of up to 4 pupils at a time, or
    - (8) barber or beautician.
    - (9) any other activity that meets the definition of a “No Impact Home Based Business” as defined in the Municipalities Planning Code.
  - c. All home occupations need a zoning permit.
7. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk, or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
  - c. Screening. See Section 803.
8. **Residential Accessory Structure or Use.** (see definition in Article 2)
- a. Accessory structures and uses (other than fences and walls) shall not be located within the required accessory use setback unless specifically exempted by this Ordinance. Accessory structures shall not be located within a minimum front yard. See accessory setback regulations in Section 307.
  - b. Height. See Section 307.B.
  - c. An existing building that is accessory to a dwelling may be replaced with a new accessory building provided the new building does not increase the nonconformity. For example, a garage can be replaced with a new garage covering the same land area. See also Section 805, which allows an extension of certain non-conforming setbacks.
  - d. A building that originally served as a Manufactured/Mobile Home shall not be used as an accessory storage building for a dwelling.
9. **Retail Sales of Agricultural Products as an Accessory Use.**
- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
  - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 25 percent of the products sold on-site shall have

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been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.

- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling on another lot, or within 25 feet from a street right-of-way, unless the sales occur within a building that existed prior to the adoption of this Ordinance.
- e. A maximum total of 5,000 square feet of building floor area shall be used for such use.
- f. The retail sales shall be located on land owned by the operator of the market or upon a lot that is farmed.

10. **Stable, Household.** The provisions for Stable, Non-Household in Section 402 shall apply. Accessory Household Stables are permitted by right in all districts.

11. **Swimming Pool, Household, In ground.**

- a. Note to Applicant – See the requirements of the Construction Code regarding fencing of pools. The applicant should contact the Borough/Township building official.
- b. An in ground swimming pool shall not be located in a required minimum front yard. The water surface of an in ground swimming pool shall be setback a minimum of 5 feet from side and rear lot lines.
- c. An above ground swimming pool is exempt from this Ordinance.

12. **Wind Turbines,**

- a. All Wind turbines shall be set back from any lot line or street right-of-way line a minimum distance equal to the total height to the top of the maximum sweep of the turbine blade, as measured from the ground level under the turbine base. Such setback shall not apply from a lot if a written signed and notarized waiver is provided to the Zoning Officer by the principal owner of adjacent lot. Two or more abutting lot owners may use the setback waiver process to share use of a wind turbine.
- b. The audible sound from the wind turbine shall not exceed 45 A weighted decibels, as measured at the exterior of an occupied principal building on another lot, unless a written waiver is provided by the owner of such building. This noise limit shall not apply during wind speeds of more than 30 miles per hour. A person claiming a violation of this noise level, and not the County, shall be responsible to provide evidence of the violation.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- d. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and over-speed controls.
- e. The maximum total height above the ground level to the tip of the extended blade shall be 90 feet in an R-2 or R-3 district and 150 feet in any other district. For taller heights, the wind turbine regulations in Section 402 shall apply.

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- f. If located within 800 feet of each side of the centerline of the Appalachian Trail, a wind turbine shall have a maximum height of 90 feet and shall be setback a minimum of 1,000 from any other wind turbine.
- g. In addition, in a commercial or industrial district, multiple wind turbines that are mounted on a roof shall be permitted by right provided they do not extend more than 30 feet above the roof.

**ARTICLE 5**  
**ENVIRONMENTAL PROTECTION**

501. EROSION CONTROL.

See the requirements of the County Conservation District, the Subdivision and Land Development Ordinance and State erosion control regulations (Note: as of 2009 in 25 PA. Code Chapter 102).

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article that control nuisances and hazards to public safety, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

503. FP - FLOODPLAIN DISTRICT (Flood-prone Areas).

The requirements of the municipal Floodplain Ordinance shall apply. See the Official Federal Floodplain Maps, as published by the U.S. Emergency Management Agency.

**ARTICLE 6**  
**OFF-STREET PARKING AND LOADING**

601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS  
(See Section 601.B. below for the TC and C-1 Districts)

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<p>A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.</p>	<p>2 per dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.</p>	
<p>2. Home Occupation</p>	<p>See Section 403</p>	
<p>3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped</p>	<p>1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old</p>	<p>Non-Resident Employee</p>
<p>4. Boarding House</p>	<p>1 per rental unit or bed for adult, whichever is greater</p>	<p>Non-Resident Employee</p>
<p>5. Group Home</p>	<p>1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property</p>	<p>Employee</p>

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<b><u>B. INSTITUTIONAL USES:</u></b>		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.2 Employees
3. Nursing Home	1 per 5 beds	1.2 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.2 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
<b><u>C. COMMERCIAL USES:</u></b>		
1. Auto Service Station or Repair Garage	4 per repair/service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	1 waiting space in front of each washing bay plus 2 drying or vacuuming spaces.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1 per hole	1.1 Employees
9. Haircutting/Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, Medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/hairstyling (minimum of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center.	1.1 Employees

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 square feet of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leasable floor area	
21. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>E. INDUSTRIAL USES:</u>  All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance  1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

**B. Parking Reduction in TC and C-1 Districts Within Boroughs.**

1. Purposes. To recognize the availability of on-street parking and pedestrian travel in the TC and C-1 districts within boroughs, and the limited ability to provide parking to serve existing buildings, and the potential of customers walking to businesses in the area.
2. The parking requirements in Table 6.1 shall be modified within the TC and C-1 districts within a borough as follows:
  - a. Additional off-street parking spaces shall not be required for a new or replacement commercial use within a building that existed prior to the adoption of this ordinance. This provision shall not allow the removal of off-street parking that is currently required and currently provided.

- b. Off-street parking shall be required for any additional dwelling units or any new construction of any building or any expansion of a building, except as may be allowed under Section 602.C.2.

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing Parking.
  1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
  2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
  1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).
  2. If parking is reduced by Section 601.B. then this grandfathering of a parking deficit shall not also be used.
  3. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
- D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable. The use shall only be allowed for a period of time consistent with the lease of the parking. A zoning permit may be considered to no longer be valid if the lease for the required parking is not renewed.
2. Within the TC district, no new off-street surface parking space shall be placed between a principal building and the curblin of an arterial street. This requirement shall not prevent the realignment of existing parking areas. This provision shall not prevent vehicle parking from being located to the side or rear of a building.
3. In the TC district, if an existing rear or side alley is available or could be feasibly extended, it shall be used for access to any garage or parking spaces for the lot instead of a front yard driveway accessing directly onto an arterial street.

F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
  - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
  - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
    - (1) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.
  - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
    - (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Borough/Township determines it is necessary. A deed restriction is recommended.

- (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Borough/Township requirements.
- (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the Borough/Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for: a) a driveway serving one dwelling or b) a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 603.C.
2. For spaces for persons with disabilities, Section 603.F.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

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C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	9	18	20	24
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

D. Accessways and Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
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Minimum	12 feet	24 feet
Maximum	20 feet	30 feet

\* This standard may be revised where PennDOT requires a different standard is required by PennDOT for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough/Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

E. Maintenance and Surfacing of Parking Area. For parking areas of 5 or more spaces including driveways and loading areas (other than areas maintained in landscaping) shall be graded, surfaced with asphalt, concrete, paving block, crushed stone, porous asphalt, porous concrete or similar surfaces designed to promote groundwater recharge. Parking areas shall be drained in a manner that minimizes erosion.

1. Parking areas that only serve seasonal or temporary uses or that are in excess of the minimum amount of parking may be maintained in grass.
2. The first 20 feet of a business or institutional use driveway adjacent to a public street/road cartway shall be surfaced in asphalt or concrete.

F. Parking for Persons With Disabilities.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of certain relevant requirements in effect as of the enactment of this Ordinance.

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TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

G. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 5 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk provided the planting width totals 5 feet. This 5 feet width shall be increased to 10 feet for a lot including 20 to 99 parking spaces and to 15 feet for a lot including 100 or more parking spaces.

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- a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy. The planting strip may be used for stormwater infiltration, provided it is vegetated and attractively maintained.
  - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough/Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
  - c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
  - d. The following shall be prohibited within the planting strip:
    1. paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed, and
    2. parking, storage or display of vehicles or items for sale or rent.
  - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

604. OFF-STREET LOADING.

- A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. FIRE LANES AND ACCESS.

- A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- C. The specific locations of fire lanes are subject to approval by local Fire Officials.

## ARTICLE 7

### SIGNS

#### 701. PURPOSES AND APPLICABILITY.

- A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without unreasonably regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- B. Permit Required. A zoning permit shall be required for any free standing sign with an area of 50 or more square feet, except for that the following types of signs shall not need a permit and shall not be regulated by this Ordinance provided they are not a prohibited type of sign: a) signs meeting Section 703 shall also not need a permit, b) window signs of any size shall not need a permit and are not regulated, and c) wall signs of any size shall not need a permit. For signs with a sign area of 50 or more square feet, only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
1. State Permits. Note: The applicant is also responsible to obtain any required PADOT approvals or permits for a sign located along a State highway.
- C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.
- D. Nonconforming Signs.
1. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
  2. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.

#### 702. SIGN DEFINITIONS.

- A. The following definitions shall also be used in determining whether signs meet the measurement and type requirements of this Article:
1. Abandoned Sign. A sign which identifies something that is no longer a bona fide business, lessor, service, owner or product, or advertises an event or activity that is not longer occurring, and/or for which no legal owner can be found. This term shall also include a structural support for a sign if the sign has been removed.
  2. Awning. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. All or part of the allowed wall sign area may be placed on an awning.
  3. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.

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4. Changeable Message Sign. A sign that is designed to vary from message to message by means of electronic lights, movable panels and/or movable letters.
5. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
6. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
7. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
8. Non-conforming Sign. A sign which was lawful when it was installed, but which would not meet current sign regulations of this Ordinance.
9. Off-Premise Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization or business that is primarily offered or located at a location other than the lot upon which the sign is located.
10. On-Premises Sign. A sign that is not an off-premises sign, such as a sign that advertises a business or service offered on the premises.
11. Political Sign. A sign that advertises a candidate for election or an opinion on a current political issue.
12. Portable Sign. A sign that is not permanently affixed to the ground or to a building, and which is not listed by this Article as an allowed temporary sign, and which is attached to a chassis, wheels or legs that allows it to be towed or carried from one location to another.
13. Projecting Sign. A sign that is attached to a building and that extends perpendicular from the building and which meets requirements of the Construction Code for secure construction and minimum clearance over a sidewalk, and which does not extend over a street.
14. Real Estate Sign. A temporary sign advertising the availability of land or building space for sale, lease or auction.
15. Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.
16. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
17. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.

A. The following are not regulated by this Ordinance:

1. Holiday Decoration Sign-commemorates a holiday recognized by the Federal, State, County, Township/Borough or other legally constituted governmental body that does not include advertising.

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2. Not Readable Sign- not readable from any public street or any exterior lot line.
3. Official Sign- erected by the Federal, State, County, Township/Borough or other legally constituted governmental body, or specifically authorized by Federal, State, County, Township/Borough action, and which exists for public purposes.
4. Political Sign. – temporary political signs.
5. Required Sign- only includes information required to be posted outdoors by a government body or agency.
6. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by PennDOT, the Township/Borough or the County, including but not limited to decorative banners hung from street lights that are authorized by the Township/Borough.
7. Contractor(s) or Financing Entity Sign-listing the name of the contractor(s) or financing entity involved with an active building site; to advertise the availability of land or building space for sale or lease, to advertise charitable events; and to allow temporary banners advertising lawful principal commercial businesses. Such signs shall not need a zoning permit.

704. FREESTANDING SIGNS (On-Premises Signs).

- A. The following are the on-premises freestanding signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. The sizes and numbers of wall and window signs are not regulated by this Ordinance provided that they do not exceed the height of the building to which they are attached by more than 10 feet. See definitions of the types of signs in Section 702.

<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS</b>	<b>TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS</b>
<b>A, CR and Residential Districts,</b> with signs in this table limited to allowed principal non-residential uses, nursing homes and personal care centers.	10 feet	1 sign on each street the lot abuts, each with a maximum sign area of 60 sq. ft.
<b>C-1 and T-C Town Center Commercial District.</b>	10 feet	1 sign per street that the lot abuts, each with a maximum area of 60 sq. ft. * In addition, a maximum 12 square feet projecting sign is allowed. See also banners in Section 703.
<b>C-3, C-4, I-C, CM districts and any other district not listed above</b>	20 feet.	1 sign per street that the lot abuts, each with a maximum area of 60 sq. ft. * In addition, a 12 square feet projecting sign is allowed. See also banners in Section 703.

\* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 15 square feet for each principal non-residential use beyond

the first non-residential use. For example, in the C-1 district, if a lot includes 3 such uses, the maximum freestanding sign area shall be 60 plus 30 equals 90 square feet. A movie theater freestanding sign may have a sign area of 200 square feet. One freestanding sign with a maximum sign area of 60 square feet each shall be allowed for each new motor vehicle franchise on the lot.

B. Portable Signs (Including "Signs on Mobile Stands").

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign.
3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

C. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall, provided it does not obstruct safe sight distances.

705. PROHIBITED SIGNS.

The following prohibitions on signs shall apply in all zoning districts:

- A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.
- B. Flashing, blinking, twinkling, animated, or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for a minimum of 6 seconds, except as follows: a) time and temperature signs may change more frequently, and b) a sign with a sign area greater than 100 square feet shall not change its message more frequently than once every 20 seconds.
  1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas season lighting or displays.
- C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- D. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- E. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- F. Floodlights and outdoor lasers for advertising purposes are prohibited.

706. OFF-PREMISE SIGNS (Including Billboards).

- A. Purposes. These provisions are intended to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution and protect property values, especially in consideration of the fact that many commercial areas are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township/Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes of Section 701.
- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meets the following requirements:
1. District. An off-premise sign is permitted in the A, C-3, C-4, I-C and CM Districts.
  2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
  3. Maximum Total Sign Area on Each of 2 Sides. 300 square feet, except 674 square feet shall be allowed within 600 feet from an interstate highway right-of-way.
  4. Spacing. Any off-premise sign shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign structure.
  5. Maximum Height. 40 feet above the elevation of the adjacent street or highway, measured at the street or highway centerline that the sign faces onto.
  6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces provided the angle between the signs does not exceed 45 degrees.
  7. Setbacks. No off-premise sign greater than 60 square feet in sign area shall be located within 200 feet from any of the following: a) an existing dwelling or b) a residential district.
  8. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds.
- D. Additional Off-Premise Signs. Up to 2 off-premises signs may be placed if needed to direct motorists to a principal business use within a municipality that is not adjacent to an arterial road. Such signs shall only be posted with permission of the owner of the land upon which the signs will be placed. Each sign shall not exceed 10 square feet and shall not exceed 8 feet in height. Such signs shall not be illuminated.

- E. Industrial Park Signs. Off-premises signs shall be allowed that are necessary to direct traffic to principal industrial uses. Each such sign shall have a maximum sign area of 60 square feet and a maximum height of 15 feet.

707. GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.

- A. Right-of-Way. Official signs are allowed within an existing street right-of-way. The Borough Council or Board of Supervisors or their designee may approve other signs within a street right-of-way, without needing zoning approval.
- B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.
- C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.
- D. Permission of Owner. No sign shall be posted on any property or public utility pole, unless permission has been received by the owner of such land or pole.
- E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.
- F. Construction of Signs. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair.

708. VEHICLES FUNCTIONING AS SIGNS.

Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

709. ABANDONED OR OUTDATED SIGNS.

Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

710. MEASUREMENT OF SIGNS.

A. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.

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3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711. MAJOR DEVELOPMENT SIGNS.

- A. If a subdivision or land development is approved to include 15 or more dwelling units or 5 or more principal non-residential uses, then an additional sign shall be permitted up to 2 vehicle entrances to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.
  1. Each such sign shall have a maximum sign area of 60 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 20 feet.
- B. Such signs should be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping should surround the sign.

**ARTICLE 8**  
**GENERAL REGULATIONS**

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

A. Frontage Required onto Improved Street. Each proposed new lot and each land development shall have vehicle access by one of the following methods: 1) onto a “public street” that is usable by motor vehicles and which is maintained by a municipality or the State; 2) a street which is constructed or bonded by the municipality and has been approved for future dedication to the Borough/Township by the subdivision plan which created or creates such lot; 3) onto a stone or hard surfaced private street which meets all of the requirements of the applicable Subdivision and Land Development Ordinance (SALDO) and which provides legal access to connect to a public street; or 4) as provided in Section 801.A.1. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto an approved street.

1. A lot may have vehicle access to a public street / road using an easement serving no more than 3 single family detached residences (such as one existing dwelling and two new lots) subject to the following requirements:
  - a. The grant of easement shall be recorded with the deed for each lot.
  - b. The easement shall be appurtenant to the dominant tenement.
  - c. The easement shall be the actual route of access to the lot.
  - d. The level of use of the easement shall be specified in the grant of easement.
  - e. The grant of easement shall provide that the level of use of the easement shall include use of the easement as the route for provision of all utility services to the dominant tenement.
  - f. The grant of easement shall define the level of improvement of the easement provided that the minimum level of improvement shall be “mud free”, such as a stone surface.
  - g. The grant of easement shall specify who is responsible for maintenance of the easement.
  - h. The route of the easement shall be field surveyed.
  - i. The route of the easement shall be described by metes and bounds.
  - j. All easements shall be at least 33 feet wide, unless a pre-existing easement is 25 feet wide.
  - k. The access easement shall be improved to be suitable for access by a fire truck and ambulance, with an area available for a turnaround. The vehicle accessway shall meet the requirements of the applicable Subdivision and Land Development Ordinance that would apply to a driveway, such as maximum slope.
1. A new principal building shall be setback a minimum of 20 feet from the access easement, unless a larger setback applies under the zoning district in Section 306.

B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided

that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

- a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
  - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
  - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
- a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves that there will be appropriate legal mechanisms in place.

C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. This 500 square feet requirement may be reduced to 400 square feet within pre-existing buildings in the TC or C-1 districts.

D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. RESERVED.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Yards.
  - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, rain gutters, chimneys, or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 4 feet.
  - b. Outdoor steps, stoops, fire escapes, handicapped ramps, doors and landings necessary to provide entrance to a building may be located within a required setback area.
  - c. For decks, patios and porches, see Section 307. C.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac turnaround or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 75 percent of the width that would otherwise be required.
4. Flag Lots. See Section 307.G.

C. Sight Clearance at Intersections. The provisions in the Subdivision and Land Development Ordinance shall apply.

D. Buffer Yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

1. A minimum 8 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.
  - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 30 feet, and the minimum initial height of plantings shall be increased to 6 feet.
  - b. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required to protect such dwelling.
  - c. A buffer yard is also required to be provided by the following if they are abutting and visible from a public street:
    - (1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage, or
    - (2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 3 or more tractor-trailer trucks or trailers of tractor-trailers.

2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the County may allow deciduous canopy trees.
3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Each planting screen shall meet the following requirements:
  - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet.
  - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
  - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
  - d. The plant visual screen shall extend the full length of the lot line, except for: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, County, Borough/Township and utility requirements, such as stormwater swales.
  - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees. The plant screening shall primarily use evergreen trees.
  - f. Any fence shall be placed on the inside of any required buffer yard.

804. LANDSCAPING.

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
- B. See also the buffer yard provisions in Section 803. See parking lot setbacks in Section 603.G.
- C. Parking Lot Landscaping.
  1. A minimum of one deciduous tree shall be required for every 20 new off-street parking spaces.
  2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
  3. Type of Trees. Required trees shall be chosen from the list of approved street trees as contained in the County Subdivision and Land Development Ordinance or applicable Subdivision and Land Development Ordinance, unless the applicant proves to the

satisfaction of the County that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

4. Required trees shall be of symmetrical growth and free of insect pests and disease.
5. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
6. Trees shall be planted with adequate soil and unpaved surface around each for water and air.

D. Landscape Maintenance. All landscaping required by this Ordinance shall be perpetually maintained by the property-owner. If such landscaping dies, is removed, or is severely damaged, it shall be replaced by the current property-owner as soon as is practical considering growing seasons.

#### 805. NONCONFORMITIES.

A. Proof of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be replaced, reconstructed or expanded provided:
  - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
  - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
- c. See provisions in Section 307 that allow reductions in setbacks for certain existing lots.

- d. **Extension Along a Nonconforming Setback.** If an existing building has a lawfully nonconforming front, side or rear building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming front, side or rear setback line, provided that:
  - (1) the structure shall not be extended beyond the existing nonconforming setback line;
  - (2) the new nonconforming extension is not greater than 50 percent of the existing floor area of the building being expanded;
  - (3) all other requirements of this Ordinance shall be met; and
  - (4) such additions shall not be permitted for a building for a non-residential use that abuts an existing primarily residential use.
2. **Nonconforming Lots.**
  - a. **Permitted Construction on a Nonconforming Lot.** A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
    - (1) The lot must be a lawful nonconforming lot of record;
    - (2) Minimum setback requirements shall be met, except as provided elsewhere in this ordinance.
    - (3) State and Federal wetland regulations shall be met;
    - (4) If a septic or well is used, the requirements for such shall be met.
  - b. **Lot Width.** The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
  - c. **Note:** The dimensional requirements for certain districts in Section 306 allow reduced side yards for some nonconforming lots.
3. **Expansion of a Nonconforming Non-Residential Use.** A non-conforming use or building area used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

A nonconforming structure may be expanded up to one hundred (100%) percent of its floor area as it exists at the time of adoption of this Ordinance. A nonconforming structure proposed to be expanded more than 100% of its floor area may be permitted by special exception. Such use shall not be expanded except in accordance with all of the zoning regulations herein.

A nonconforming use may be expanded up to fifty (50%) percent of its lot area as it exists at the time of the adoption of this Ordinance. A nonconforming use proposed to be expanded more than 50% of its lot area may be permitted by special exception. Such use shall not be expanded except in accordance with all of the zoning regulations herein

Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming. The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance. See also Section 707.

D. Damaged or Destroyed Nonconformities.

- 1 Whenever an existing structure with prior nonconforming elements is partially damaged or totally destroyed by fire or other causes beyond the control of the property owner, that structure may be rebuilt, provided that such rebuilding does not result in a building which is more out of compliance than the building being replaced. A zoning permit to replace the structure must be obtained within twenty-four (24) months from the date of damage or destruction. Any such building or structure shall be allowed to be reconstructed on the same footprint that existed prior to the damage or destruction.
- 2 Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for substantial completion of work to a maximum total of 48 months after permits are issued.
- 3 If the structure or use is within the 100-year floodplain, regulations also apply under the Borough / Township floodplain regulations.

E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 5 or more years, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the "Damaged or Destroyed Nonconformities" provisions of Section 805.D.
2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use, provided that the

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new use complies with any applicable Zoning Hearing Board conditions that applied to the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
    - a. Traffic safety and generation (especially truck traffic),
    - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
    - c. Amount and character of outdoor storage,
    - d. Hours of operation if the use would be close to dwellings and
    - e. Compatibility with the character of the surrounding area.
  4. A nonconforming use shall not be changed to a nonconforming Adult Use.
- G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

**ARTICLE 9**

**SPECIAL PROVISIONS IN APPROACH AREAS FOR BENDIGO AND SCHUYLKILL COUNTY (JOE ZERBEY) AIRPORTS**

901. APPLICABILITY AND PURPOSES.

- A. This Article creates overlay zoning districts that regulate the height of structures and objects of natural growth, and otherwise regulates the use of property, in the vicinity of the Bendigo, and Schuylkill County (Joe Zerbey) Airports, which are hereafter known as “the Airports.” This Article establishes the boundaries of the overlay zoning districts and incorporates maps of the Airport Approach overlay zoning districts.
- B. It is hereby found that an obstruction within the approaches to the Airports: 1) has the potential for endangering the lives and property of users of the Airports and property of occupants of land in the vicinity; 2) affect existing and future instrument approach minimums of the Airports; and 3) may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airports and the public investment therein. Accordingly, it is declared:
  - 1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airports.
  - 2. that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
  - 3. that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- C. Within an Airport Approach overlay district/zone, the applicable provisions of this Article shall apply in addition to all other requirements of this Ordinance. The land uses allowed by the underlying zoning district shall continue to be allowed, but the heights of structures shall be regulated in a more restricted manner as provided in this Article.
- D. The Airport Approach Map is available for review in the County Planning and Zoning Office.

902. AIRPORT APPROACH DEFINITIONS.

- A. For the purposes of this Article 9, the following terms shall have the following meanings:
  - 1. Airports. Bendigo and Schuylkill County (Joe Zerbey) Airports.
  - 2. Airport Elevation. The highest point of an airport’s usable landing area measured in feet from sea level.
  - 3. Airport Hazard. Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

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4. Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
5. Airport Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 904. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
6. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 903.
7. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
8. Department. Pennsylvania Department of Transportation.
9. FAA. Federal Aviation Administration of the United States Department of Transportation.
10. Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
11. Height. For the purpose of determining the height limits in all zones set forth in this Article and shown on the maps incorporated herein, the datum shall be mean sea level elevation unless otherwise specified.
12. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.
13. Larger Than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
14. Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
15. Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
16. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved layout plan or any other planning document.

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17. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; or, when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 903. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
18. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
19. Transitional Surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.
20. Utility Runway. The runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
21. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.
22. Zone. For the purposes of this Article, the term “Zone” shall have the same meaning as an overlay zoning district.

903. AIRPORT ZONES.

- A. In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Bendigo and Schuylkill County (Joe Zerbey) Airports. Such zones are shown on maps prepared for each Airport, which are included in this Ordinance by reference and are part of this Ordinance. A copy of such maps shall be kept by the Zoning Officer. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
  1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  2. Runway Larger than Utility With a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  3. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

4. Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

904. AIRPORT ZONE HEIGHT LIMITATIONS.

- A. Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained in any zone created by this Article to a height in excess of the applicable height limitations established for each of the zones in question as follows:
  1. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
  2. Runway Larger than Utility With a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
  3. Transitional Zones. Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
  4. Horizontal Zone. Established at 150 feet above the airport elevation.
  5. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
  6. Expected Height Limitations. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure to a height up to 50 feet above the surface of the land.
- B. Permit Applications for property adjoining Schuylkill County (Joe Zerbey) Airport. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure 200' or greater above ground level or adds to an existing structure thereby increasing the height to 200' or greater above ground level and being within five (5) miles of the Airport shall notify the Schuylkill County Airport Authority of the applicant's intentions by submitting the appropriate FAA form, PADOT Form AV-57 and providing a copy of such form(s) to the Schuylkill County Airport Authority.

- C. Permit Applications for property adjoining Bendigo Airport. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure 200' or greater above ground level or adds to an existing structure thereby increasing the height to 200' or greater above ground level and being within the Airport Hazard Area shall notify the owner of the Bendigo Airport of the applicant's intentions by submitting the appropriate FAA form, PADOT Form AV-57 and providing a copy of such form(s) to the owner of the Bendigo Airport.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

905. AIRPORT APPROACH USE RESTRICTIONS.

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

906. NONCONFORMING USES.

- A. The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Article or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently prosecuted.
  - 1. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Schuylkill County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such Airport Hazard. Such markers and lights shall be installed, operated, and maintained at the expense of the Schuylkill County Airport Authority.
  - 2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an Airport Hazard or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. A landowner with a tree that has grown in a way that intrudes into an airport approach zone is encouraged to allow the owner of the affected Airport to have access to trim the top of the tree as is necessary for safety.
  - 3. Obstruction Marking and Lighting. Any special exception or variance granted may, if such action is deemed advisable, effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in

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question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

907. PERMITS.

- A. Future Uses. Except as specifically provided for in other sections of this ordinance, no material change shall be made in the use of land, and no structure shall be erected or otherwise established unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Article 1.

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