

ZONING

Zoning is one of a number of legal means to control the physical development of our urban, suburban and rural areas. It is essentially a restriction upon the private landowner based upon the police power of the community.

Through the zoning ordinance, the municipality will now be able to control land use, lot size, building setback, off-street parking, billboards, abandoned vehicles, size of structures, etc., and will prove an effective instrument for implementing the Master Plan.

BOROUGH OF SOUTH RENOVO ZONING ORDINANCE

ARTICLE 1

TITLE AND PURPOSE

1.100 TITLE

An Ordinance to limit and restrict to specified districts and zones, and to regulate therein, buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the uses of land in the Borough of South Renovo, and providing for the administration and enforcement of provisions herein contained and fixing penalties for the violations thereof.

1.200 SHORT TITLE

This Ordinance shall be known and may be cited as the "Borough of South Renovo Zoning Ordinance."

1.300 GENERAL INTENT

The intent of this Ordinance is to establish a precise and detailed plan for the use of land in the Borough of South Renovo based on the Master Plan for the Borough of South Renovo and enacted in order to promote and to protect the public health, safety, morals, comfort, convenience, and the general welfare of the people.

1.400 TYPES OF REGULATIONS

This Zoning Ordinance has been adopted in order to:

1.410 Establish Zoning Districts

Establish zoning districts and therein regulate the use of land and structures for residential, commercial, manufacturing and other purposes.

1.420 Regulate Buildings and Population Density

Regulate the location, height, bulk, and size of buildings and structures, the size of yards, courts and open spaces; the percentage of a lot which may be occupied by a building or a structure, and the density of population.

1.500 PURPOSES

Such regulations are deemed necessary to achieve the following purposes:

1.510 Promote Orderly Development

To protect the character and maintain the stability of residential, business and manufacturing areas within the borough and to promote the orderly and beneficial development of such areas.

1.520 Limit Street Congestion

To limit congestion in the public streets and to protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.

1.530 Protect Against Hazards

To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and the general welfare.

1.540 Regulate Intensity of Use

To regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings which spaces shall be necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health, and to avoid undue concentrations of population.

1.550 Provide Adequate Facilities

To facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements.

1.560 Prohibit Incompatible Uses

To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

1.570 Establish Standards of Development

To fix reasonable standards to which buildings or structures shall conform.

1.580 Regulate Alterations of Existing Buildings

To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

1.590 Conserve Taxable Value of Land

To conserve the taxable value of land and buildings and encourage the most appropriate use of land throughout the Municipality.

ARTICLE 2

ZONE DISTRICTS AND ZONING MAP

2.100 DESIGNATION OF ZONE DISTRICTS

For the purpose of this Ordinance, the Borough of South Renovo is hereby divided into eleven (11) Zoning Districts, differentiated according to use and building regulations, to be designated as follows:

A	AGRICULTURE AND CONSERVATION
R	RESIDENTIAL
S	SERVICES
C-1	NEIGHBORHOOD BUSINESS
C-2	GENERAL COMMERCIAL
C-3	TOURIST AND HIGHWAY SERVICES
I-1	INDUSTRIAL AND WAREHOUSING
I-2	GENERAL INDUSTRIAL
I-3	HEAVY INDUSTRIAL
F	FLOOD PLAIN
P	PLANNED DEVELOPMENT

2.200 ZONING MAP

The location and boundaries of said zones are hereby established as shown on the Zoning Map of the Borough of South Renovo, dated which is attached hereto and is hereby made a part of this Ordinance. Said map, or maps, and all notations, references, and designations shown thereon shall be, as such, a part of this Ordinance as if the same were all fully described and set forth herein.

2.300 INTERPRETATION OF BOUNDARIES

2.310 Designation of Zone Boundaries

The zone boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of lakes, or municipal boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated, or by reference to a contour line delineated by the United States Geological Survey Maps.

2.320 Determination of Locations of Boundaries

In case of uncertainty as to the true location of a zone boun-

dary line in a particular instance, the Building Inspector shall request the Zoning Hearing Board to render its determination with respect thereto.

2.330 Division of a Lot in Single Ownership

Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Ordinance any use authorized in either zone on such lot may extend to the entire lot, but shall not extend more than twenty-five (25) feet beyond the boundary line of the zone in which such use is authorized.

2.400 DEGREE OF RESTRICTIVENESS

"More restrictive uses" as employed in this Ordinance means the following:

- a. Those uses permitted in the R Zone are the most restrictive.
- b. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: P, F, A, S, C-1, C-2, C-3, I-1, I-2, and I-3.
- c. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.

2.500 LIMITATION OF LAND USE

Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land or premises is located.

ARTICLE 3

DISTRICT REGULATIONS

3.100 SCHEDULES

The attached schedules set forth the restrictions and controls intended to regulate development in each Zone District. These regulations are supplemented by Articles 4, 5 and 6 and other sections of this Ordinance.

ARTICLE 4

SUPPLEMENTARY LOT, HEIGHT, AND YARD REGULATIONS

4.100 ZONE LOT REGULATIONS

4.110 In any district, a structure may be erected on a nonconforming lot-of-record at the effective date of this ordinance irrespective of its area or width if the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with a nonconforming lot-of-record; providing however, that no lot or lots in single ownership shall hereafter be reduced so as to create one or more nonconforming lots. In all districts, no front yard and no streetside yard shall be less than 10 feet. In R . Districts, a minimum side yard and rear yard of 5 feet are required, except in cases of hardship the Zoning Hearing Board may waiver or lessen the side yard requirement.

4.120 Lot Size Measurement

4.121 For the purpose of lot size measurement the following Soil Districts have been created:

- I Deep, well drained soils
- II Moderately deep, well drained soils
- III Wet soils
- IV Steep (more than 15% slopes) and shallow soils
- V Miscellaneous soils

4.122 In Table I is indicated the actual lot dimensions required in each Soil District and to lots-of-record. These Soil Districts are intended to establish minimum lot sizes and must also conform to minimum lot size regulations as set forth by the Pennsylvania Department of Health, the county, and . municipal requirements for sewage disposal and water supply protection.

TABLE I

<u>Soil</u>	Deep Well Drained	Moderately Deep Well Drained	Wet	Steep (+15%) & Shallow	Miscellaneous
<u>Lot</u>	20,000 sq. ft. and 100''	30,000 sq. ft. and 150'	Min. 1 A.	Min. 10 A. and 1,000'	Variable On-site investigation required

4.123 The following is a classification of the soils of Clinton County based on the Soil Districts listed in Article 4.121.

I Deep, well drained soil District

<u>Symbol</u>	<u>Name</u>
AfA	Allenwood Fine Sandy Loam, 0 to 5% slopes
AgB	Allenwood Gravelly Silt Loam, 3 to 8% slopes
AgC ₂	Allenwood Gravelly Silt Loam, 8 to 15% slopes, moderately eroded
AgC ₃	Allenwood Gravelly Silt Loam, 8 to 15% slopes, moderately eroded
ChA	Chenango Gravelly Loam, 0 to 3% slopes
ChB	Chenango Gravelly Loam, 3 to 8% slopes
HaC	Hagerstown Rocky Silt Loam, 5 to 15% slopes
HeA	Hagerstown Silt Loam, 0 to 3% slopes
HeA ₂	Hagerstown Silt Loam, 0 to 3% slopes, moderately eroded
HeB ₂	Hagerstown Silt Loam, 3 to 8% slopes, moderately eroded
HeC ₂	Hagerstown Silt Loam, 8 to 15% slopes, moderately eroded
HgB ₂	Hagerstown Silty Clay Loam, 3 to 8% slopes, moderately eroded
HgC ₂	Hagerstown Silty Clay Loam, 8 to 15% slopes, moderately eroded
HgC ₃	Hagerstown Silty Clay Loam, 8 to 15% slopes, severely eroded
HhA	Hartleton Channery Silt Loam, 0 to 3% slopes
HhB ₂	Hartleton Channery Silt Loam, 3 to 8% slopes moderately eroded
HhC ₂	Hartleton Channery Silt Loam, 8 to 15% slopes moderately eroded
HrA	Hartsells Channery Loam, 0 to 3% slopes
HrA ₂	Hartsells Channery Loam, 0 to 3% slopes, moderately eroded
HrB	Hartsells Channery Loam, 3 to 8% slopes
HrB ₂	Hartsells Channery Loam, 3 to 8% slopes, moderately eroded
HrC ₂	Hartsells Channery Loam, 8 to 15% slopes, moderately eroded
HsB	Hartsells Very Stony Loam, 0 to 8% slopes
HvA	Huntington Silt Loam, local alluvium, 0 to 8% slopes
HvB	Huntington Silt Loam, local alluvium, 3 to 8% slopes
LaB ₂	Laidig Gravelly Loam, 8 to 15% slopes, moderately eroded
LaC ₂	Laidig Gravelly Loam, 8 to 15% slopes, moderately eroded

<u>Symbol</u>	<u>Name</u>
LdB	Laidig Very Stony Loam, 0 to 8% slopes
LnB	Leetonia Very Stony Sandy Loam, 0 to 8% slopes
MeB ₂	Meckesville Silt Loam, 3 to 8% slopes, moderately eroded
MeC ₂	Meckesville Silt Loam, 8 to 15% slopes, moderately eroded
MoB	Morrison Cherty Sandy Loam, 3 to 8% slopes
MuA	Murrill Gravelly Loam, 0 to 3% slopes
MuB ₂	Murrill Gravelly Loam, 3 to 8% slopes, moderately eroded
MuC ₂	Murrill Gravelly Loam, 8 to 15% slopes, moderately eroded
MuC ₃	Murrill Gravelly Loam, 8 to 15% slopes, severely eroded
MvB	Murrill Very Stony Loam, 0 to 8% slopes
Sa	Sequatchie Loam
Sf	Sequatchie Fine Sandy Loam, High
UnB	Ungers Loam, 3 to 8% slopes
UnB ₂	Ungers Loam, 3 to 8% slopes, moderately eroded
UnC	Ungers Loam, 8 to 15% slopes
UpB	Upshur Silt Loam, acid substratum, 2 to 8% slopes

II Moderately deep, well drained soil District

<u>Symbol</u>	<u>Name</u>
BeB ₂	Berks Channery Silt Loam, 3 to 8% slopes, moderately eroded
BeC ₂	Berks Channery Silt Loam, 8 to 15% slopes, moderately eroded
BkB ₂	Berks Shaly Silt Loam, 3 to 8% slopes, moderately eroded
BkC ₂	Berks Shaly Silt Loam, 8 to 15% slopes, moderately eroded
DaA	Dekalb Channery Loam, 0 to 3% slopes
DaB	Dekalb Channery Loam, 3 to 8% slopes
DaB ₂	Dekalb Channery Loam, 3 to 8% slopes, moderately eroded
DaC	Dekalb Channery Loam, 8 to 15% slopes
DaC ₂	Dekalb Channery Loam, 8 to 15% slopes, moderately eroded
DkB	Dekalb Very Stony Soils, 0 to 8% slopes
GpA	Gilpin Silt Loam, 0 to 3% slopes
GpB	Gilpin Silt Loam, 8 to 15% slopes
LkB ₂	Leck Kill Channery Silt Loam, 3 to 8% slopes, moderately eroded
LkC ₂	Leck Kill Channery Silt Loam, 8 to 15% slopes, moderately eroded
LnB	Leetonia Very Stony Sandy Loam, 0 to 8% slopes

III Wet soils District

<u>Symbol</u>	<u>Name</u>
AbB	Albrights Silt Loam, 3 to 8% slopes
AbC ₂	Albrights Silt Loam, 8 to 15% slopes, moderately eroded
AnB	Andover Gravelly Loam, 2 to 8% slopes
AnB ₂	Andover Gravelly Loam, 2 to 8% slopes, moderately eroded
AnC ₂	Andover Gravelly Loam, 8 to 15% slopes, moderately eroded
AoB	Andover Very Stony Loam, 0 to 8% slopes
BrA ₂	Brinkerton Silt Loam, 0 to 5% slopes, moderately eroded
BuB	Buchanan Gravelly Loam, 3 to 8% slopes
BuB ₂	Buchanan Gravelly Loam, 3 to 8% slopes, moderately eroded
BuC ₂	Buchanan Gravelly Loam, 8 to 15% slopes, moderately eroded
BuC ₃	Buchanan Gravelly Loam, 8 to 15% slopes, severely eroded
BvB	Buchanan Very Stony Loam, 0 to 8% slopes
CaA	Cavode Silt Loam, 0 to 3% slopes
CaB	Cavode Silt Loam, 3 to 8% slopes
CmA	Comly Silt Loam, 0 to 3% slopes
CmB ₂	Comly Silt Loam, 3 to 8% slopes, moderately eroded
CmC ₂	Comly Silt Loam, 8 to 15% slopes, moderately eroded
CoA	Cookport Loam, 0 to 33% slopes
CoB	Cookport Loam, 3 to 8% slopes
CoB ₂	Cookport Loam, 3 to 8% slopes, moderately eroded
CoC	Cookport Loam, 8 to 15% slopes
CpB	Cookport Very Stony Loam, 0 to 8% slopes
GuB ₂	Guthrie Silt Loam, dark surface, 3 to 8% slopes, moderately eroded
LeB	Leadvale Silt Loam, 3 to 8% slopes
LeC	Leadvale Silt Loam, 8 to 15% slopes
LwA	Lickdale Silt Loam, 0 to 5% slopes
Lx	Lickdale Very Stony Silt Loam
NoA	Nolo Silt Loam, 0 to 3% slopes
NsA	Nolo Very Stony Silt Loam, 0 to 3% slopes
Pu	Purdy Silt Loam
Ty	Tygart Silt Loam
WaA	Watson Silt Loam, 0 to 5% slopes
WhA ₂	Whitwell Silt Loam, 0 to 5% slopes, moderately eroded
WtA	Wiltshire Silt Loam, 0 to 3% slopes
WtB ₂	Wiltshire Silt Loam, 3 to 8% slopes, moderately eroded

IV Steep and Shallow soil District

<u>Symbol</u>	
AgD ₃	Allenwood Gravelly Silt Loam, 15 to 25% slopes, severely eroded
AnD ₂	Andover Gravelly Loam, 15 to 25% slopes, moderately eroded
AoC	Andover Very Stony Loam, 8 to 25% slopes
BeD	Berks Channery Silt Loam, 15 to 25% slopes
BeD ₂	Berks Channery Silt Loam, 15 to 25% slopes, moderately eroded
BeE	Berks Channery Silt Loam, 25 to 35% slopes
BeE ₂	Berks Channery Silt Loam, 25 to 35% slopes, moderately eroded
BkD	Berks Shaly Silt Loam, 15 to 25% slopes
BkD ₂	Berks Shaly Silt Loam, 15 to 25% slopes, moderately eroded
BkE ₂	Berks Shaly Silt Loam, 25 to 35% slopes, moderately eroded
BmB ₃	Berks-Monevallo Channery Silt Loams, 3 to 8% slopes, severely eroded
BmC ₃	Berks-Montevallo Channery Silt Loams, 8 to 15% slopes, severely eroded
BmD ₃	Berks-Montevallo Channery Silt Loams, 15 to 35% slopes, severely eroded
BmF	Berks-Montevallo Channery Silt Loams, 35 to 100% slopes
BmF ₂	Berks-Montevallo Channery Silt Loams, 35 to 100% slopes, moderately eroded
BuD ₂	Buchanan Gravelly Loam, 15 to 25% slopes, moderately eroded
BvC	Buchanan Very Stony Loam, 8 to 25% slopes
CpC	Cookport Very Stony Loam, 8 to 25% slopes
DaD	Dekalb Channery Loam, 15 to 25% slopes
DkC	Dekalb Very Stony Soils, 8 to 25% slopes
DkE	Dekalb Very Stony Soils, 25 to 100% slopes
HaD	Hagerstown Rocky Silt Loam, 15 to 25% slopes
HcE	Hagerstown Rocky Silty Clay Loam, 25 to 70% slopes
HeD ₂	Hagerstown Silt Loam, 15 to 25% slopes, moderately eroded
HgD ₃	Hagerstown Silty Clay Loam, 15 to 25% slopes, severely eroded
KcD ₃	Klinesville Channery Silt Loam, 15 to 25% slopes, severely eroded
KcE ₃	Klinesville Channery Silt Loam, 25 to 80% slopes, severely eroded
LaD ₂	Laidig Gravelly Loam, 15 to 25% slopes, moderately eroded
LdC	Laidig Very Stony Loam, 8 to 25% slopes
LkD ₂	Leck Kill Channery Silt Loam, 15 to 25% slopes, moderately eroded

<u>Symbol</u>	<u>Name</u>
LkE	Leck Kill Channery Silt Loam, 25 to 35% slopes
LkE ₂	Leck Kill Channery Silt Loam, 25 to 35% slopes, moderately eroded
LnC	Leetonia Very Stony Sandy Loam, 8 to 25% slopes
LvC	Lehew Very Stony Loam, 8 to 25% slopes
LvE	Lehew Very Stony Loam, 25 to 100% slopes
MeD ₂	Meckesville Silt Loam, 15 to 25% slopes, moderately eroded
MuD ₂	Murrill Gravelly Loam, 15 to 25% slopes, moderately eroded
MvC	Murrill Very Stony Loam, 8 to 25% slopes
Rb	Rubble Land
So	Stony Land

V Miscellaneous undefined soils District

<u>Symbol</u>	<u>Name</u>
Ma	Made Land
St	Strip Mines

4.130 Lot Frontage and Depth

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located. The front yard shall equal not less than 1/3 of the lot depth in residential zones, except for lots-of-record.

4.140 Corner Lots

At all street intersections no obstruction to vision (other than an existing building, post, column, fence, or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

4.150 Required Area or Space Cannot be Reduced

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and, if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

4.200 AIRFIELD ZONES

In order to assure adequate approaches for aircraft, height restrictions of one story of a 40 feet maximum may be required by the planning commission for any zone district near an airfield. Zoning districts surrounding airfields shall contain the lower case letter 'a' following the zone name; i.e. Aa, R a, Fa, Sa, C-1a, C-2a, C-3a I-1a, I-2a, I-3a, Pa.

4.300 YARD REGULATIONS

4.310 Side Yards

4.311 Side Yard Width may be Varied. Where the side Property line is broken, irregular or not perpendicular to the front lot line, the side yard may be varied. In such cases, the side yard shall be calculated from the edge of the nearest structure to the property line.

4.312 Side Yard of Corner Lot. The side street setback line of any corner lot as it existed at the time of adoption of this Ordinance or any corner lot shown on any subdivision plat which received final approval prior to the adoption of this Ordinance shall not be less than one-half ($\frac{1}{2}$) of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

4.320 Front Yard Exception

When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than ten (10) feet; provided, however, that where any lot shall front on a right-of-way which is proposed, on the Official Map of the munic. to be widened, the front yard of such lot shall be as required by Article 3 hereof, and shall be measured from such proposed future right-of-way.

4.330 Additional Yards Required Where "C" and "I" uses and Non-Residential "S" Uses Abut R-Districts

All uses first permitted in less restrictive district than R, which abut, at the lot line or on the same street, and "R" District, shall provide yards, where they abut, in accordance with the yard requirements for such "R" District which they abut, except that in such instances the minimum yard in any C-4, I-1 or I-2 District shall be not less than fifty (50) feet.

4.400 NUMBER OF BUILDINGS RESTRICTED

There shall be not more than one (1) principal dwelling structure on each R Zone lot except that seasonal or transient dwelling facilities shall not be subject to the provisions of this Section.

4.500 ACCESSORY STRUCTURES

Accessory structures shall comply with the yard requirements for the principle structure, whether attached or unattached.

4.600 GENERAL LANDSCAPING REGULATIONS

4.610 Enclosed Uses

Any enclosed use as may be required by this Ordinance to be landscaped in accordance with this subsection shall provide a fence eight (8) feet high or a visual screen consisting of evergreen, or evergreen type hedges or shrubs, spaced at intervals of not more than five (5) feet, located and maintained in good condition within fifteen (15) feet of the property line adjoining or abutting an "R" District.

4.620 Unenclosed Uses

Any use which is not conducted within a completely enclosed building, except for nurseries, railroads and the display for sales purposes of new or used cars, trucks, trailers, or farm equipment, in operative condition, shall be entirely enclosed by a fence as stated in 4.610 and maintained in good condition or evergreen type hedges or shrubs spaced at intervals of not more than five (5) feet.

4.700 MISCELLANEOUS BUILDING REGULATIONS

4.710 Unenclosed 'I' Uses

All 'I' uses which are not conducted wholly within a completely enclosed building shall be not less than 100 feet distant from any R or S District.

4.720 Uses to be Enclosed

All "C" and "I" uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities, new and used car lots, service stations, terminals, storage yards and similar uses.

4.730 Access to Dwellings

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least twelve (12) feet wide and shall extend from the dwelling to a public street or highway, or to a private highway not less than twenty (20) feet in width and having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purposes of this section, an alley shall not constitute a public street or highway.

ARTICLE 5

SUPPLEMENTARY REGULATIONS COVERING CERTAIN USES

5.100 AMUSEMENT USES

5.110 Amusement Center, Bowling Alley, and Similar Places of Amusement

- a. Such uses shall be conducted entirely within an enclosed structure, except amusement parks.

- b. Parking areas shall be screened from adjoining residential properties in accordance with Subsection 4.620.
- c. A principle structure shall be not less than twenty (20) feet from any property line.
- d. There shall be no offensive noise or vibration; such elements may be emitted only in accordance with the performance standards set forth herein.

5.120 Outdoor Recreation Facilities

- a. Such uses shall include golf courses, ice-skating rinks, swimming pools, tennis courts, and amusement parks.
- b. Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Subsection 4.620.
- c. Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
- d. No permanent public address system is permitted except where such system will not be audible at any property line.
- e. Private swimming pools, permanent and portable, which shall be regulated as follows: except that these regulations shall not apply to portable swimming pools which shall be not more than 2 feet in height nor more than 15 feet in length or diameter.
 - 1) May be erected only in the rear yard of such structure and shall be distant not less than 20 feet from front and rear lot lines not less than 10 feet from any side yard, principal structure or accessory structure attached thereto.
 - 2) Such use shall be landscaped in accordance with the provisions of Section 4.600 hereof.
 - 3) Such uses shall be properly fenced to a height of at least 42 inches to prevent access by unsupervised children.
 - 4) Such uses shall not adversely affect the character of any residential neighborhood.

5.200 COMMUNITY FACILITIES

5.210 Community Buildings, Clubs, Social Halls, Lodges, Fraternal Organizations and Similar Uses

- a. All buildings shall be a minimum of twenty (20) feet from any property line, except where greater distances are otherwise required.
- b. In R-Districts where permitted, there may be included retail sales for guests only.
- c. All applications for such uses in R-Districts shall demonstrate to the satisfaction of the ZHB that the proposed use will serve primarily the residents of the surrounding neighborhood and that said use cannot satisfactorily be located elsewhere to serve said neighborhood.

5.220 Essential Services, Enclosed or Permanent Structures

- a. Public Utility Services. Such uses shall include electric substations, transformers, switches, and auxiliary apparatus serving a distribution area, and water pumping station in R-Districts and shall be subject to the following regulations:
 - 1) Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - 2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
 - 3) Adequate fences, barriers, and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 4.700.
 - 4) Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.

5.230 Essential Services, Open

Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable the landscaping regulations of Section 4.700 shall apply.

5.240 Fire Stations, Police Stations and Railroad Passenger Stations

Such facilities shall be permitted in all R-Districts, provided that:

- a. Such facility is necessary to serve the surrounding residential area where it is not possible to serve such area from a facility located in C-1 or less restrictive districts.
- b. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

5.250 Hospitals, Churches, or Other Religious or Eleemosynary Institutions

All such uses shall be located on a public street and shall maintain a minimum of 20 feet wide landscaped strip in accordance with the provisions of Section 4.600 on all property lines abutting R-Districts and all residential streets.

5.260 Nursery School, Day Care Center for More than Five (5) Children

Such uses shall be situated on a zone lot of not less than 20,000 square feet, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Section 4.600.

5.300 MOTELS, MOTOR COURTS, MOTOR HOTELS AND SIMILAR USES

- a. Such uses shall have a minimum area of 150 square feet per unit and each unit shall consist of at least one bedroom with bath and toilet facilities.
- b. Illuminated signs and other lights shall be directed away from or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

5.400 RETAIL AND MANUFACTURING USES

5.410 Bakeries

Bakeries first permitted in any C-1 District shall be located no closer to an R-District than 50 feet and goods produced on the premises shall be sold only at retail on the premises.

5.420 Retail Sales for Guests Only

Where such uses are permitted the following shall apply:

- a. There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity, other than from within the building.
- b. There shall be no harm to adjoining existing or potential residential development due to excessive traffic generation or noise or other circumstances.

5.430 Retail Uses in 'I' Districts

Such uses shall be permitted only where the applicant proves that such use is or will be necessary to serve manufacturing uses and will not adversely affect the industrial development of adjoining land.

5.440 Manufacturing Uses

Manufacturing uses in any I-1 District, when abutting any R-District, shall be screened from such use in accordance with the provisions of Section 4.700, except when the immediately adjoining R-District is presently occupied by a non-residential structure where it abuts an I-1 District.

5.500 LARGE SCALE DEVELOPMENTS

Large-scale developments as defined herein shall be permitted as a special use and shall be developed in accordance with the following requirements:

5.510 Spacing and Orientation of Residential Developments

Spacing between buildings and orientation in residential building groups shall be as follows:

- a. In buildings containing multiple dwelling units, walls, containing main window exposures or main entrances, shall be so oriented as to insure adequate light and air exposures.
- b. Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- c. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles and no attached row houses shall extend more than 500 feet in length unless approved by the planning commission.

5.520 Spacing and Orientation of Commercial and Manufacturing Developments

A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.

5.530 Circulation

- a. Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination.
- b. Adequate amount and suitable location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces, and to separate pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities.
- c. Arrangement of buildings and vehicular circulation open space so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- d. All circulation must be approved by the county planner and county engineer.

5.540 Paving and Drainage

Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle storm waters, prevent erosion and formation of dust. All grading, paving and drainage plans must conform to the local subdivision regulations and be approved by the county engineer.

5.550 Signs and Lighting

Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts. All signs and lighting must be approved by the county planner and county engineer.

5.560 Usable Open Space

In residential building groups providing for permanent family occupancy, play areas for children and other recreational areas in safe locations and in an amount equal to not less than ten (10) percent of gross land area in the development.

5.570 Planting and Screening

In business building groups abutting or within one hundred (100) feet of residential districts, fences, walls, or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fences, heat, blowing papers and dust and to reduce the visual encroachments of commercial architecture, signs and activity on residential privacy and residential neighborhood character.

5.580 Conformity with Master Plan

The proposed large-scale development shall conform to the Municipal Master Plan in terms of general location.

5.590 Justification for Exception

Such exceptions, which may be required from the strict application of this Ordinance shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such developments as well as of neighboring properties than would obtain under the normal requirements of this Ordinance.

5.600 SERVICES, AUTOMOTIVE

5.610 Off-Street Parking

In all districts, _____, in connection with every manufacturing business, institutional, residential, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space, without charge, for the use of persons residing on the premises, or employed, or having business thereon.

5.611 Size and Access. Each off-street parking space shall have an area of not less than two hundred (200) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.

There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts, except where a parking area shall be less than thirty-five feet in depth.

5.612 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in Table I in accordance with the definition of "floor area" provided further that in any R-District, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than five (5) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot exceeds one (1) acre.

In any case of a building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the ZHB, shall apply.

5.613 Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

5.620 Off-Street Loading

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of Table II following.

5.621 Size and Location. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, and may occupy all or any part of any required yard, except where located adjacent to any R-District, where they shall be

TABLE I

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
1. Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater.
2. Community Buildings, and Social Halls	1 for each 200 sq. ft. of floor area.
3. Bowling Alleys	5 for each alley.
4. Dwellings, Motels	1 for each family or dwelling unit.
5. Funeral Homes, Mortuaries	10 for each parlor.
6. Hospital, Nursing and Convalescing Homes	1 for each 3 beds plus 1 for each employee.
7. Hotels, Rooming Houses and Dormitories	1 for each 2 bedrooms.
8. Manufacturing Plants, Research or Testing Laboratories, Bottling Plants.	1 for each 1,000 sq. ft. of floor area, plus 1 for each 4 employees in the maximum working shift; the total parking area shall be not less than 25 percent of the building floor area.
9. Medical or Dental Clinics, or Offices	3 spaces for each doctor or dentist.
10. Offices	1 for each 2 employees.
11. Restaurants, Beer Parlors and Night Clubs	1 for each 2.5 seats.
12. Retail Stores, store groups and shops	1 for each 300 sq. ft. of floor area where the floor area shall exceed 1,000 sq. ft. except in a C-3 District where 3 spaces shall be provided for each 300 sq. ft. of floor area.
13. Theatres and other places of assembly	1 for each 3.5 seats.
14. Wholesale Establishments or Warehouses	1 for each 2 employees in maximum working shift; the total parking area shall be not less than 25 percent of the building floor area.

setback a minimum of six (6) feet from any such property line.

TABLE II

<u>USES</u>	<u>SQUARE FEET OF FLOOR AREA</u>	<u>REQUIRED OFF-STREET LOADING BERTHS</u>
1. Schools	15,000 or more	1
2. Hospitals (in addition to space for ambulances)	From 10,000 - 30,000 For each additional 30,000 or major fraction thereof.	1 1 additional
3. Undertakers and Funeral Homes	5,000 For each additional 5,000 or major fraction thereof.	1 1 additional
4. Hotels and Offices	From 10,000 or more.	1
5. Retail, Commercial, Wholesale, Manufacturing, Storage, and Miscellaneous	From 10,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000 From 60,000 - 100,000 For each additional 50,000 or major fraction thereof.	1 2 3 4 1 additional

5.630 Joint Facilities for Parking or Loading

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Board of Appeals in accordance with the purposes and procedures set forth herein.

5.640 Development and Maintenance of Parking and Loading Areas

Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained in accordance with the following requirements:

- 5.641 Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any R-District, or institutional premises, by a fence or hedge. Such fence or hedge shall be not less than eight (8) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line facing premises, in any R-District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
- 5.642 Minimum Distances and Setbacks. No off-street parking or loading area or part thereof for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If not in an R-District but adjoining such district, the parking area shall not be located within five (5) feet from the established street right-of-way line within fifty (50) feet of any R-District.
- 5.643 Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or Portland Cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking, and storage of self-propelled vehicles. All surfacing must be approved by the county engineer and all parking lot layouts must be approved by the county planner.
- 5.644 Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any R-District. All lighting must be approved by the county engineer.
- 5.645 Modification of Requirements. The ZHB may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action.
- 5.650 Service Stations
- 5.651 Location of Exits and Entrances. No gasoline filling stations, automobile repair shop, or any vehicular access thereto, shall be located within two hundred (200)

feet of the following uses; if the property is dedicated or intended to such uses and is located along the same street and on the same block.

- a. Schools, playgrounds, churches, hospitals, public libraries, funeral homes, and institutions for dependents for children.
- b. Vehicular access to the above automotive uses shall not be closer to the intersection of any two (2) street lot lines than fifty (50) feet, nor shall any such use be located within twenty-five (25) feet of any boundary line of any R-District.

5.652 Location of Appliances or Pits. No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, or oil draining pit or visible appliance for any such purpose is located within ten (10) feet of any street lot line, except where such appliances or pit is within a building.

5.700 SERVICES, GENERAL

5.710 Animal Hospitals, Kennels and Pounds

No such use shall be located closer than one hundred (100) feet to any R-District, restaurant, or hotel, in any district where permitted and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

5.720 Crematory, Mausoleum

Any of these uses shall provide entrance on a street or road which shall have a pavement width of not less than twenty (20) feet, with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6) foot high fence, evergreen, or evergreen type hedges or shrubs, at intervals, of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any R-District or residential street.

5.800 SPECIAL USES

Special uses, as enumerated in Schedule I, shall be permitted only upon authorization by the ZNB pursuant to Section 8.210 hereof subsequent to review by the Planning Commission pursuant to Section 9.420 provided that such uses shall be found by the Board to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

- a. That the use is a permitted special use as set forth in Schedule I hereof.
- b. That the use is so designed, located, and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- c. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- d. That the use shall be compatible with adjoining development and the proposed character of the zone district where it is to be located.
- e. That adequate landscaping and screening is provided as required in Section 4.700 and as otherwise provided herein.
- f. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- g. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.

5.900 MISCELLANEOUS USES

5.910 Conversions, Non-Residential

No commercial or manufacturing structure, originally designed for other than residential use, shall be converted to a dwelling structure, nor shall any such structure which was so converted prior to the adoption of this Ordinance be further converted to provide for additional dwellings.

5.920 Home Occupations

Permitted home occupations operated in any dwelling unit may be operated only if it complies with all of the following conditions:

5.921 Where Permitted. Within a single dwelling unit, or in a building or other structures accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein and not more than one (1) additional persons shall be employed in the home occupation.

5.922 Evidence of Use. Does not display or create outside the building any evidence of the home occupation, except that one (1) unanimated, non-illuminated flat or window sign having an area of not more than two (2) square feet shall be permitted on each street front of the zone lot on which the building is situated.

5.923 Extent of Use. Does not utilize more than fifty (50) percent of the gross floor area of the dwelling. One off-street parking space must be provided per employee and 2 spaces for customers, not to include the driveway. All off-street parking must conform with the provisions for such in this Ordinance.

5.924 Permitted Uses. Includes not more than one (1) of the following uses:

- a. Medical and dental offices.
- b. Rooming and/or boarding of not more than four (4) persons, except that the rooming and/or boarding of diseased or mentally ill persons is prohibited.
- c. Foster family care (for not more than six (6) children simultaneously).
- d. Tutoring for not more than four (4) students simultaneously.
- e. Barber shop, beauty shop, milliner, seamstress, tailor, interior decorator.
- f. Professional offices including but not limited to: lawyer, engineer, planner, landscape architect, architect, accountant, secretarial services, insurance and manufacturers representatives.
- g. Teaching of music for one pupil at one time; teaching of dancing for not more than a group of six pupils.
- h. Other uses approved by the planning commission.

5.930 Outdoor Storage Areas

Such uses shall not abut existing residential development, a residential street or any R-District and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Zoning Hearing Board upon the recommendation of the planning commission to protect the public health, safety, comfort, convenience, and general welfare and especially with regard to abutting properties and the occupants thereof.

5.931 Inflammable and Explosive Liquids. No highly inflammable or explosive liquids, solids, or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.

5.932 Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 20 feet from all property lines which abut an R-District or existing residential development, but in any other case shall be distant not less than 10 feet from any property line and shall be distant not less than twenty-five (25) feet from any public street.

5.933 Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

5.934 Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

5.940 Signs

Signs may be erected and maintained only when in compliance with the following provisions:

5.941 Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

a. Nameplates and Identification Signs

- 1) Signs indicating the name and/or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
- 2) For hotels and for buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

b. Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in

the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected or maintained, provided:

- 1) The size of any such sign is not in excess of six (6) square feet; and
- 2) Not more than two (2) signs are placed on any property unless such property fronts upon more than one street, in which event two (2) more signs may be erected on each additional frontage.

c. Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or any other institutions of a similar public or semi-public nature may be erected and maintained, provided:

- 1) The size of any such sign is not in excess of twenty (20) square feet; and
- 2) Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

d. Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each shall be permitted. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

e. Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:

- 1) The size of any sign is not in excess of twenty (20) square feet; and
- 2) Not more than two (2) signs are placed on any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on such frontage.

3) Any such sign shall be removed by the developer within 30 days of the final sale of property.

f. Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:

- 1) The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
- 2) Not more than one such sign is erected on each five hundred (500) feet of street frontage.

g. Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

- 1) The size thereof is not in excess of twelve (12) square feet; and
- 2) Such signs are removed promptly upon completion of the work.

h. Private Driveways. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed two (2) square feet.

i. Height and Projection of Signs. No sign in an R-District shall project into the public way or project higher than one story or twenty (20) feet, whichever is lower.

5.942 Signs in "A", "F", "C", and "I" Districts. Business signs shall be permitted as follows:

- a. Size of Signs. No sign shall have a gross surface area of more than one hundred square feet in any "C" District or more than one hundred and fifty square feet in any "A", "F", or "I" District, except that where only one (1) surface of such sign is visible the gross surface area shall be reduced by fifty (50) percent.
- b. Location of Signs. In any C-1, C-2 or C-3 District all signs shall be securely attached to a building. Free-standing signs shall be permitted in all other "A", "F",

"C", and "I" Districts only, provided that no such sign shall be nearer to any property line than fifty (50) feet.

- c. Illumination of Signs. Flashing signs and revolving illuminated signs shall be considered as a special use permitted in I-Districts provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in "C", "A", "F", and "I" Districts only.
- d. Produce Signs. Signs advertising the sale of farm products may be erected as follows:
 - 1) The size is not in excess of six (6) square feet.
 - 2) Not more than two (2) signs may be used.
 - 3) The sign(s) shall only be displayed when products are on sale.

5.943 General Regulations. The following regulations shall apply to all permitted signs:

- a. Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- b. Projection of Signs. Attached signs shall not project from any building more than three (3) feet in the direction of the street provided further that no such sign shall extend over the public street or public sidewalk area.
- c. Height of Signs. No sign shall be higher than the height limit in the district where such sign is located nor shall any sign be located upon the roof of any building.
- d. Permits (Building) for Signs. Building permits shall be required for all signs except signs provided for in Subsection 5.922 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, following the recommendation of the county planning commission, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.

- e. Fees. No fee shall be charged for any permit connected with the erection of a sign necessary to the public welfare.

5.950 Temporary Tract Office

A temporary tract office in any district shall be located on the property to which it is appurtenant; shall be limited to a six (6) months period at the expiration of which time the applicant may request a further extension of time. Otherwise the tract office shall be removed at the expense of the owner.

Such temporary tract office may also be conducted in a building in a housing development as a real estate office for said development.

5.960 Rooming and/or Boarding Houses

Rooming and/or boarding houses, other than accessory home occupations, may be permitted as a special use, provided, however, that they conform with regulations of the district where they are permitted, the off-street parking requirements of Section 5.610, and the following requirements.

- a. The minimum lot area of such a use shall be 8,000 square feet.
- b. The minimum lot area per rooming unit shall be not less than 1,000 square feet.
- c. No sign shall be erected other than one (1) unanimated, non-illuminated flat or window sign having an area of not more than two (2) square feet which shall be permitted on each street front of the zone lot on which the building is situated.

ARTICLE 6

PERFORMANCE STANDARDS

6.100 GENERAL APPLICATION

Permitted and special uses enumerated in the C-3 and "I" Districts, and uses accessory thereto, are subject to the following performance standards and procedures. If the Building Inspector or the Zoning Hearing Board, upon the recommendations of the planning commission, has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

6.200 PERFORMANCE STANDARDS PROCEDURE

6.210 Prior to Construction and Operation

Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the Owner of subject property that said use will be operated in accordance with the performance standards set forth herein.

6.220 Continued Compliance

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Building Inspector or ZHB

6.230 Determination of Violation

The Building Inspector shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the ZHB of the occurrence or existence of a probable violation thereof. Said Board shall investigate the alleged violation. If after public hearings on due notice, and upon the recommendation of the planning commission, said Board finds that a violation occurred or exists, such violation shall be terminated as provided in Subsection 6.240 following.

6.240 Termination of Violation

All violations as ascertained in accordance with Subsection 6.230 above shall be terminated within thirty (30) days of the decision of the ZHB or shall be deemed a separate violation for each day following and subject to fines as set forth herein, except that certain uses established before the effective date of this Ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith as determined by said Board.

6.300 REGULATION OF NUISANCE ELEMENTS

6.310 Definition of Elements

No land or building in any C-4 or "I" Districts which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other sub-

stance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "Dangerous or objectionable elements"); provided that any use permitted by this Ordinance may be undertaken and maintained in any C-4 or "I" District if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

6.320 Locations Where Determinations Are to be Made for Enforcement of Performance Standards

The determination of the existence of any dangerous and objectionable elements shall be made at:

- a. The point or points where such elements shall be most apparent for fire and explosion hazards, for radio activity and electrical disturbances, for smoke and other forms of air pollution.
- b. The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

6.400 STANDARDS TO BE ENFORCED

6.410 Fire and Explosion Hazards

In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of Commonwealth and local laws and regulations shall also apply.

6.420 Radioactivity or Electrical Disturbance

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6.430 Noise

At the points of measurement specified in Section 6.320, the maximum sound pressure level radiated in each standard octave band by any use of facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table III after applying the corrections shown in Table IV.

The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association.

(American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24-3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds Z24-10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y., shall be used.)

TABLE III

<u>Frequency Ranges Containing Standard Octave Bands in Cycles Per Second</u>	<u>Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm²</u>
20 - 300	60
300 - 2400	40
above 2400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. one or more of the corrections in Table IV shall be applied to the octave band levels given in Table III.

TABLE IV

<u>Type or Location of Operation or Character of Noise</u>	<u>Correction in Decibels</u>
1. Daytime operation only	5
2. Noise source operates less than*	
a. 20% of any one-hour period	5
b. 50% of any one-hour period	10
3. Noise of impulsive character, hammering, etc.	-5
4. Noise of periodic character, hum, screech, etc.	-5
5. Property is located in any C-4 or "I" District and is not within 500 feet measured horizon- tally, or vertically of any R-District	5(C-4) 10("I")

* Apply one of these corrections only.

6.440 Vibration

No vibration shall be permitted which is detectable without instruments at the points of measurement specified in Subsection 6.320

6.450 Glare

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Subsection 6.320. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

6.460 Smoke

No emission shall be permitted from any chimney or otherwise of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Co., Inc., and copyrighted 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four (4) minutes in any thirty (30) minutes.

6.470 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.

6.480 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases, and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

ARTICLE 7

NONCONFORMING USES AND BUILDINGS

7.100 CONTINUATION OF USE

A use, building or structure, lawfully in existence at the effective date of this Ordinance, which shall be made nonconforming at the passage of this Ordinance or any applicable amendment thereto may be continued except as otherwise provided in this Article 7.

7.200 REGULATION OF NONCONFORMING USES

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted, or structurally altered except when changed to a conforming use, or when required to do so by law or order and as follows:

7.210 RESTORATION

Any nonconforming building or structure damaged less than fifty (50) percent of its then existing floor area may be restored, reconstructed, or used as before, provided that the volume of such use, building, or structure shall not exceed the volume of which existed prior to such damages by more than twenty-five (25) percent, or as provided under Subsection 7.400 hereof, and that it be completed within one (1) year of such happening, and provided that such restorations shall be in conformity with the requirements of this Ordinance.

7.220 DISPLACEMENT

A nonconforming use shall not be extended to displace a conforming use.

7.230 CHANGE OF USE

- a. A nonconforming use or structure shall not be changed into conforming use.
- b. A nonconforming use may be changed into a conforming use.
- c. A nonconforming use which is not permitted in any district or which is permitted only as a special use may only be changed into a conforming use.
- d. When a nonconforming use shall be changed in accordance with the provisions hereof, the use of the building or other structure or tract of land shall not thereafter be changed again except in accordance with these regulations.

7.240 Repairs

- a. Normal maintenance and repairs and incidental alteration of a building or other structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use.
- b. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations

shall be made which would increase the number of dwelling units or the bulk of the building.

7.250 Prior Approval

Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with existing laws, a permit for which has been duly granted and the construction of which shall have been started before the date of adoption of this Ordinance or any applicable amendment thereto, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within one (1) year of the date of adoption of this Ordinance or any applicable amendment thereto.

7.300 TERMINATION OF NONCONFORMING USES

7.310 Abandonment

The discontinuance of a nonconforming use for a period of one (1) year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment of and such nonconforming use shall not hereafter be revived. Intent to resume active operations shall not affect the foregoing.

7.320 Partial Destruction

When fifty (50) percent or more of the existing floor area or volume of a nonconforming building or structure, or use of land is destroyed by fire or other casualty or Act of God, the use of such building, structure, or land as a nonconforming use shall thereafter be terminated.

7.400 EXPANSION

A nonconforming use or structure may be expanded up to a volume which shall not exceed twenty-five (25) percent of its volume as it exists at the time of the adoption of this Ordinance. No such use shall be expanded, however, into a more restrictive district than where it is located; and no such use shall be permitted to expand except in accordance with all of the building regulations contained herein.

ARTICLE 8

AGRICULTURE AND CONSERVATION DISTRICT

8.100 GENERAL DESCRIPTION AND PURPOSE

This district is hereby established to provide space for agricultural and conservation uses which comprise an important part of the economy.

The intent herein is to permit lands best suited for agriculture and conservation to be utilized for these purposes and to prevent the encroachment of urban and other incompatible land uses to protect the physical and economic well-being of agricultural and conservation activities.

Further, this district is intended to provide suitable locations on the fringes of the urban areas for urbanization which will occur in the foreseeable future. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. Rather, this district should (1) promote an organized, efficient pattern of urban development by providing conditions conducive to continued use of land for agricultural purposes in appropriate locations, thereby reducing economic pressures which would otherwise lead to a scattered, inefficient, inconvenient patterns of urban activities, and (2) to conserve the county's natural forest and recreational resources. The types of uses, area and intensity of use of land authorized in this district are designed to encourage and protect any agricultural or conservation uses until urbanization is warranted and the appropriate changes in districts can be made.

8.200 PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

Property and buildings in the AC-Agricultural and Conservation District shall be used only for the following purposes:

1. Agricultural and conservation uses and their accessory structures.
2. Farm homes and summer camp homes.
3. Utility sub-stations, transportation and utility easements, alleys, and rights-of-way.
4. Signs not over the size allotted for 'C' Districts as regulated in Section 5.

8.300 AREA REGULATIONS

8.310 Land Area

All building sites derived from the division of farm land or any other parcel of land must be a minimum of three acres unless a single lot-of-record under three acres exists; in this instance the lot may be utilized for the development of a one-family dwelling. This regulation does not apply to campsites or summer homes as the land area for camp-site parcels is based upon the

approval of the Pennsylvania Health Department, but in all cases shall contain a land area exceeding one acre.

8.320 Setbacks

All structures must be setback a minimum of 35 feet from the road right-of-way line and 10 feet minimum from all other property lines. When an agricultural district abuts a residential district, all farm buildings must be located not less than 35 feet from the property line.

ARTICLE 9

R - RESIDENTIAL DISTRICT

9.100 GENERAL DESCRIPTION AND PURPOSE

The residential district is hereby established to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by single and multi-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded and unhealthy housing conditions which have long been a major problem. The intensity of land use should not be so great as to cause congestion of buildings or traffic or to preclude the amenities of good housing. Densities should be limited to provide adequate usable open space and daylight for dwellings and adequate open space for all related facilities.

9.200 PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES

Property and buildings in a R District shall be used only for the following purposes:

1. Duplexes (two-families) and mobile home parks.
2. Apartments and dormitories (3 or more families).
3. Upon planning commission approval, professions and retail businesses may be conducted for the convenience of the occupants of an apartment building, provided there shall be no entrance to such place of business except from the inside of the building.
4. There shall be no show window, sign or other advertising material visible from the outside of an apartment building.
5. Planned residential developments.
6. Minimum lot size of 10,000 square feet; minimum lot frontage of 75 feet shall be required.

9.300 AREA REGULATIONS

All structures must be setback from the road right-of-way a minimum distance of 10 feet. There are no side or rear-yard requirements for structures in this zone, except for Special Use structures such as churches, and except that the maximum length or frontage for row houses and apartments shall be 500 feet. An open space of 20 feet minimum shall be provided for fire and emergency vehicles between all buildings. On corner lots, side yards on the road side must contain a minimum depth of 10 feet measured from the right-of-way line to the building. Setbacks for structures abutting Commonwealth roads shall be a minimum of 20 feet.

9.400 USABLE OPEN SPACE

Either on the same lot as the apartment building or within 500 feet from said structure, usable open space shall be provided as follows:

<u>Stories</u>	<u>Apartment Units</u>	<u>Minimum Sq. Ft. of Usable Open Space per Unit</u>
3	over 3	400
4-6	over 4	300
7-9	over 7	200
over 9	over 9	100

Said usable open space may include a neighborhood park or playground that does not entail the crossing of a collector or major street to reach. In cases where over 3 apartment units occupy less than 3 stories, 4 units occupy less than 4 stories, 7 units occupy less than 7 stories and 9 units occupy less than 9 stories, the open space regulations corresponding to the number of units shall apply. Usable open space is defined to mean yard or lawn space to be used for recreational purposes.

9.500 CONDOMINIUMS

An apartment building may be a condominium; i.e. the owner may sell individual apartments, however all open space and yard regulations must be complied with whether the original owner retains title to the open land or a corporation consisting of the members of the condominium retains the title.

9.600 MOBILE HOME PARKS

The following property development standards shall apply for all Mobile Home Parks:

- a. No parcel of land containing less than two mobile home spaces, available at the time of first occupancy shall be used for a mobile home park.
- b. The mobile home park shall be located on a well-drained site, preferably

graded to insure rapid drainage and freedom from stagnant pools of water.

c. Yards

- 1) Each mobile home park shall have a front yard of ten feet extending for the full width of the parcel devoted to said use.
- 2) Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than five feet.

d. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven feet in height that are adjacent to residential structures. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.

e. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum of nine square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

f. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:

- 1) Each mobile home space shall be clearly defined by permanent markers.
- 2) There shall be a front yard setback of ten feet from all access roads within the mobile home park.
- 3) Mobile homes shall be so harbored on each space so that there shall be at least a ten foot clearance between mobile homes, provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than ten feet. No mobile home shall be located closer than twenty feet from any commercial or service building within the mobile home park.
- 4) There shall be at least one off-street parking space for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.
- 5) Each mobile home space shall be provided with a paved patio of at least two hundred square feet and having a storage locker of at least one hundred cubic feet. Storage lockers may be located in locker compounds.

9.700 GENERAL PROVISIONS FOR MOBILE HOME PARKS

a. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home sites.

- b. Access roads within a mobile home park shall be paved to a width of not less than twenty feet. Where access roads are paved to a width of thirty-two feet or more, the required guest parking area shall be waived.
- c. Mobile home spaces may abut upon a driveway of not less than twenty feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- d. Walkways not less than two feet wide shall be provided from the mobile home spaces to service buildings.
- e. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Health Department.
- f. There shall be provided a park and recreation area having a minimum of one hundred and fifty square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty feet.
- g. Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with washing machines and dryers. Outside drying yards shall be enclosed with a six foot high solid fence.
- h. Trailers, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park.
- i. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home parks except for home occupations.

9.800 APPLICATION FOR PERMIT FOR MOBILE HOME PARK

The application for a permit shall be filed with and issued by the Building Inspector. Each application shall be accompanied by three (3) copies of the plot plan drawn to scale, and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the Planning Commission, the Health Department, and the Building Inspector. The following information shall be shown:

- a. The location of the proposed mobile home park;
- b. Plans and specifications of all buildings, improvements, and facilities constructed within the mobile home park;
- c. The proposed use of buildings shown on the site;

- d. The location and size of all mobile home spaces;
- e. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
- f. The location of all landscaping to be provided;
- g. The location of all lighting standards to be provided;
- h. The location of all walls and fences and the indication of their height and the materials of their construction;
- i. The location of all off-street parking facilities;
- j. The name and address of the applicant; and
- k. Such other architectural and engineering data as may be required to permit the Building Inspector and Planning Commission to determine if the provisions of this Ordinance are being complied with.

A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

9.810 Parking for Apartment Complexes

Off-street parking must be provided with 500 feet of the apartment building and designed according to the off-street parking regulations in this Ordinance.

9.820 Prohibited Uses

The following uses are prohibited in multi-family districts.

- 1. Commercial uses except in apartment buildings serving the residents of said building only.
- 2. Industrial uses.
- 3. Wholesaling.

9.900 CHURCHES AND OTHER SPECIAL USES

Churches and other Special Uses shall contain a minimum side and rear yard of 20 feet from the structure edge to the property line, unless said Special Use borders a commercial or industrial district in which case rear and side yards of the Special Use property adjacent to a Commercial or Industrial District are not required. In addition, the church or Special Use shall not cover over 25 percent of the lot area including all accessory buildings.

ARTICLE 10

S - SERVICES DISTRICT

10.000 GENERAL DESCRIPTION AND PURPOSE

This district is hereby established to provide areas for professional

and business offices, federal, Commonwealth, county and municipal government operations, and other cultural and civic uses. The intent herein is to provide centralized, compact locations for business and governmental offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.

10.200 PERMITTED USES

Same as R Districts, plus offices, clinics, medical and dental buildings, retail uses incidental to serving the offices such as supply stores and cafes.

10.300 PROHIBITED USES

The following uses are prohibited in Service Districts:

1. Retail stores serving more than the offices in the particular locale.
2. Commercial uses not outlined in the permitted uses.
3. Industrial uses.
4. Wholesale Houses.

10.400 AREA REGULATIONS

As regulated in R Districts, except for office, business and special uses must contain off-street loading facilities with a depth of 30 feet from the building, not including any road right-of-way.

ARTICLE 11

C-1 NEIGHBORHOOD BUSINESS DISTRICT

11.100 GENERAL DESCRIPTION AND PURPOSE

This district is hereby established to provide areas in which the principal use of land is devoted to the retail sales of convenience goods to the surrounding residential neighborhood, whether it is a county 'general store' or a small group of shops serving a neighborhood of higher population densities. This district is designed for areas where large commercial operations are undesirable, but where individual stores are useful and desirable for the neighborhood's residents.

11.200 PERMITTED USES

Any local retail business or personal service establishment, such as grocery, fruit or vegetable store, drug store, barber and beauty shop, and shoe repair. Also permitted are clothes cleaning and laundry pick-up stations, business and professional offices, gasoline service stations with minor repair facilities, car washes, bar and/or restaurant not including dancing or entertainment, funeral homes, all uses permitted in R Districts, convenience goods stores and similar uses.

11.300 PROHIBITED USES

The following uses are prohibited in neighborhood commercial zones.

1. Dwellings (single-family, duplex, mobile home parks, but not including apartments).
2. All industrial uses.
3. Non-convenience goods retail commercial use.
4. Wholesaling.
5. No commercial uses that would serve a larger area than a neighborhood, a neighborhood being defined as 100 dwelling units.

11.400 AREA REGULATIONS

11.410 Setback

All structures must be setback 10 feet from the right-of-way of any road and 20 feet on Commonwealth roads. Any lots abutting residential (R) districts containing a commercial or special structure, such structure shall setback a minimum of 20 feet from the lot line of the R District.

11.420 Residential and Special Uses

For residential and special uses, the regulations in the District shall apply, except there shall be no limits restricting lot coverage.

11.430 Non-single Family Residential Structures

For non-single family residential structures, provisions for off-street loading of 30 feet in depth from the building shall be required and screened by fencing (minimum 6 feet high) or a hedge. No road right of way may be included in this depth requirement.

ARTICLE 12

C-2 GENERAL COMMERCIAL DISTRICT

12.100 GENERAL DESCRIPTION AND PURPOSE

This commercial district is for personal and business services, general retail and wholesale business. Districts in this zone category are intended to include areas where commercial development has displaced or is displacing residential development or is occupying vacant land. These regulations herein are designed to guide future change so as to discourage the formation of future commercial slums, to preserve the carrying capacity of the roads, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing 'strip' commercial areas along roads, but rather to provide concentrations of general commercial activities.

12.200 AREA REGULATIONS

The following requirements shall apply to all uses permitted in a C-3 District.

12.210 Front Yard

All buildings shall be setback from the road right-of-way line a minimum of 10 feet except when abutting Commonwealth roads, the setback shall be 20 feet.

12.220 Side Yard

On corner lots, a minimum side yard of 10 feet is required except that the width of a side yard which abuts a residential zone shall be a minimum of 20 feet.

12.230 Rear Yard

Where a commercial building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a residential district shall be a minimum of 20 feet. In all other cases no side or rear yard is required.

12.300 OTHER

12.310 Wholesaling and Distributing Centers

Wholesaling and distributing centers may be located in C-2 Districts that do not involve over 5,000 square feet of storage to

be wholesaled or distributed, nor the use of any delivery vehicle rated at more than a 2-ton empty weight capacity, nor a total of more than five delivery vehicles.

12.320 Accessory Uses

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and incidental to permitted or permissible uses and structures and are not of a nature prohibited.

12.400 PERMITTED USES AND STRUCTURES

1. All uses permitted in C Districts.
2. Bowling alleys, major repair garages.
3. Small plants: bakeries, bottling plants, dairies; and
 - a. Bookbinding, creamery, laundry, small scale cleaning and dyeing establishments.
 - b. Building material sales yard or storage and rental or equipment commonly used by a contractor.
 - c. Carpenter, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, welding shops, plumbing, gas, steam, or hot water fitting shops, when these shops are in a completely enclosed building and are primarily sales and service shops and not manufacturing plants.
 - d. Florists or nurseries, provided that all incidental equipment and supplies including fertilizers and empty cans are kept within the building.
 - e. New and used car lots, trailer coach sales, automobile service stations including major repair.
 - f. Trucking terminals, freight stations, produce markets.
 - g. Truck, trailer and farm implement establishments including major repair.

12.500 PROHIBITED USES AND STRUCTURES

1. Mobile home parks, single-family and two-family dwellings.
2. Manufacturing, except as provided under permitted uses.
3. Elementary schools.
4. Bulk petroleum products storage.
5. Any use which the planning commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on roads, by reason of odor, smoke, noise, glare, fumes, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district.

6. Junk yards, salvage yards.

12.600 OPEN STORAGE REGULATIONS

1. All open storage and display of merchandise material and equipment shall be screened by adequate ornamental fencing or evergreen planting at the side and rear of the lot on which open storage or display occurs that abuts a residential district; provided that such screening shall be a minimum of six feet in height.
2. All of the lot utilized for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.
3. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
4. Driveways used for ingress and egress shall not exceed 25 feet in width, exclusive of curbs.
5. Outdoor lighting shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets.

12.700 POINTS OF INGRESS AND EGRESS

Where properties front Commonwealth and major local roads or streets, so designated by the county planning director or local planning commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot or unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the planning commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section of the ordinance is hereby retroactive and enforceable on existing properties in this district.

ARTICLE 13

C-3 TOURIST AND HIGHWAY SERVICE COMMERCIAL DISTRICT

13.100 GENERAL DESCRIPTION AND PURPOSE

The tourist commercial district is hereby established to provide areas in which the principal use of land is devoted to commercial establishments and resort areas which cater specifically to the needs of tourist-oriented trade. The intent herein is to reserve lands, which because of particular location and natural features are adopted for tourist uses, and to encourage the development of these locations with such uses and in such manner as to minimize traffic hazards and interference with other uses in the vicinity.

13.200 USES PERMITTED

The following uses are permitted in the Tourist and Highway Service Commercial District.

1. Hotels and motels.
2. Restaurants, truck stops, bars, clubs.
3. Gasoline service stations and auto repair.
4. Souvenir, antique and gift shops.
5. Resorts, marinas, camping facilities and grounds, tourist trailer parks.
6. Utility substations.
7. Dwellings as part of a complex lived in by the owner or the owner's employee and family.
8. Similar uses approved by the planning commission.

13.300 PROHIBITED USES

The following uses are prohibited in this district.

1. All dwellings including apartments, except the type listed under Uses Permitted.
2. All uses prohibited in C-2 zones.
3. All non-tourist and non-highway service uses.
4. Used and new car lots.
5. Wholesaling enterprises.
6. Mobile home parks.

13.400 AREA REGULATIONS

A site plan for the proposal complex must be presented to the planning commission, the county planner and the county engineer for approval and all uses must be compatible with existing uses within the outlined zone. Depending upon the characteristics of the zone location, the planning

commission may require service roads, design criteria to fit the site, structure use approval, and circulation recognizing principles of civic design, land use planning and landscape architecture.

13.500 MARINA DEVELOPMENT

The following regulations shall apply to all marina developments:

13.510 Purpose and Uses

The purpose of this regulation is to insure the proper development of marinas and the safe operation of marina equipment.

Permitted and coincidental uses include assembly buildings, caretakers residence, docks, fueling and supply facilities, house boating, launching and storage facilities, parking areas, repair and maintenance areas, restaurants, signs, supplementary recreational facilities, tourist residence, and tourist oriented trailer parks not for permanent residence.

13.520 Access

The tract of marina development shall have adequate access to thoroughfares. This adequacy shall be based on the relationship of the size of marina facilities to the practical capacity of the thoroughfares.

13.530 Area Regulations

There is no minimum lot size required, however, the site size shall be sufficient to assure for present facilities and for future expansion. Development must conform to the following yard requirements:

13.531 Front Yard. The minimum depth of the front yard shall be the same as required in the districts where marinas are permitted.

13.532 Side Yard. Minimum side yards of fifty (50) feet shall be provided between adjacent tracts of land and marina facilities including all floating structures.

The site shall be developed in such a way as to preserve its natural character. A mass planting strip at least 6 feet in height shall be located between the marina and adjacent residential areas, except, that no planting shall be required between marina facilities and a public road. Yards may be used for parking but no parking shall be closer than 15 ft. to any property line.

13.540 Control of Opposite Shoreline

When the proposed marina development is situated on a cove or embayment which is less than three hundred (300) feet in width (at normal pool as defined by the Corps of Engineers) the applicant must own or control the shoreline opposite such development to a minimum depth of one hundred (100) feet from the shoreline. However, the planning commission may waive this requirement if the property opposite the proposed development site, because of topography and/or existing land use, is not adversely affected by the proposed development.

13.600 ADMINISTRATIVE PROCEDURES FOR TOURIST AND HIGHWAY SERVICE COMPLEX DEVELOPMENT

Application for a tourist and highway service complex permit shall be filed with and issued by the Building Inspector. Each application shall be accompanied by four copies of the plot plan drawn to scale, and prepared by a licensed engineer, or architect. Such copies shall be reviewed and approved by the Planning Commission, the Health Department, the Building Inspector, the County Planner, and the County Engineer. The following information shall be shown:

1. The location of the proposed development;
2. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development;
3. The proposed use of buildings shown on the site;
4. The location of all points of entry and exit for motor vehicles and internal circulation pattern;
5. The location of all landscaping to be provided;
6. The location of all lighting standards to be provided;
7. The location of all off-street parking facilities;
8. The name and address of the applicant; and
9. Such other planning, architectural and engineering data as may be required to permit the Planning Commission, Health Department, and Building Inspector to determine if the provisions of this Ordinance are being complied with.

A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

ARTICLE 14

I-1 LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT

14.100 GENERAL DESCRIPTION AND PURPOSE

This industrial district is hereby established to provide areas in which the principal use of land is for 'heavy' commercial activities, light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general and heavy industrial districts. Regulations herein are intended to prevent frictions between uses within the district and also to protect nearby residential districts.

14.200 PERMITTED USES

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be screened by ornamental walls and fences or evergreen planting, and in no case shall materials be stacked or stored so as to exceed the height of the screen where I-1 Districts abut residential districts.

1. All commercial uses.
2. Watchman's or maintenance man's dwelling quarters, located on or adjacent to the property.
3. Wholesale business, storage, or warehousing.
4. All C-3 principal permitted commercial uses; and
 - a. Administrative, executive and financial offices.
 - b. Agricultural uses.
 - c. Distribution plants, parcel delivery, and service industries.
 - d. Laboratories.
 - e. Machine and welding shops, excluding punch press over twenty (20) tons rated capacity, drop hammers.
 - f. Manufacture of electric and electronic instruments and devices, such as television, radio and phonograph equipment.
 - g. Optical and textile manufacturing.

14.300 PROHIBITED USES

Dwelling units, schools, churches, yards for scrap and salvage operations, auto junk yards, second-hand automobile parts, all uses or structures not

of a nature specifically permitted herein, and any use not conforming to the performance standards outlined in this Ordinance.

14.400 AREA REGULATIONS

14.410 Front Yard

All buildings shall be setback from road right-of-way line a minimum of 25 feet.

14.420 Side Yard

On corner lots where an I-1 property abuts roads, all buildings shall setback a minimum of 25 feet from the right-of-way line. Where any I-1 District abuts a residential district, a minimum side yard of 40 feet in depth is required. In all other cases, no side yards are required.

14.430 Rear Yard

Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a residential district shall be a minimum of 40 feet. In all other cases no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

14.500 POINTS OF INGRESS AND EGRESS

Where properties front Commonwealth and major local roads or streets so designated by the county planning director or local planning commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot of unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between points of ingress or egress shall contain a traffic barrier consisting of guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the planning commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section of the Ordinance is hereby retroactive and enforceable on existing properties in this district.

14.600 SCREENING AND LANDSCAPING

All yard areas and open space existing around buildings shall be landscaped and maintained in a neat condition.

ARTICLE 15

I-2 GENERAL INDUSTRIAL DISTRICT

15.100 GENERAL DESCRIPTION AND PURPOSE

This industrial district is hereby established to provide areas in which the principal use of land is for manufacturing, assembling, fabrication, and for warehousing. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or highway transportation routes and terminals. Such uses have some adverse effects on surrounding properties and are not properly associated with nor compatible with residential, institutional and retail commercial uses.

15.200 PERMITTED USES

1. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
2. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceuticals, and food products except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils, pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.

15.300 PROHIBITED USES

Dwelling units including mobile home parks and apartments, and motels, schools, churches, and retail commercial uses unless it serves or is

auxiliary to the needs of the industrial plants or employees thereof, and any use not conforming to the performance standards set forth in this Ordinance.

15.400 AREA REGULATIONS

15.410 Front Yard

All buildings shall setback from road right-of-way line a minimum of 25 feet.

15.420 Side Yards

On corner lots where a I-1 property abuts roads, all buildings must be setback a minimum of 10 feet from the right-of-way line. Where any I-1 District abuts a residential district, a minimum side yard of 75 feet in depth is required. In all other cases, no side yards are required.

15.430 Rear Yards

Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a residential district shall be a minimum of 75 feet. In all other cases no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

15.500 POINTS OF INGRESS AND EGRESS

Where properties front Commonwealth and major local roads or streets so designated by the county planning director or local planning commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot of unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between points of ingress or egress shall contain a traffic barrier consisting of guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the planning commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section of the Ordinance is hereby retroactive and enforceable on existing properties in this district.

ARTICLE 16

I-3 HEAVY INDUSTRIAL DISTRICT

16.100 GENERAL DESCRIPTION AND PURPOSE

This industrial district is hereby established to provide areas in which the principal use of land is manufacturing and other 'heavy' uses with which there are associated adverse effects on surrounding property.

16.200 PERMITTED USES

1. A retail service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof.
2. Watchman's or maintenance man's quarters, located on same or adjacent parcel.
3. Any manufacturing, research, wholesale or storage uses permitted in I-1 District and any retail or commercial uses such as restaurants and service stations which are appropriate and necessary to serve the I-2 District.
4. Any following manufacturing use including primary production from raw materials provided such uses are located not less than 200 feet from the nearest R-District: aniline dyes, amonia, carbides, caustic soda, cellulose, carbon and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastics, synthetic resins, pyroxylin, rayon yarn; asphalt, charcoal, fuel briquettes coal, coke and tar products, except as otherwise provided herein; flour mills, lime kilns, manufacturing or processing of cement; rubber, soaps including fat rendering; turpentine, mastics, paint, and plastics.
5. Brewing or distilling of liquors or perfume manufacture.
6. Brick, stone or monument works.
7. Gas manufacutre and storage.
8. Grain elevators and bulk storage of petroleum and similar products.
9. Metal fabricating including automobile and metal appliance manufacturing and assembly, structural steel and machine shops, forges and foundaries.
10. Quarrying including rock crushing, grinding, polishing or cutting.
11. Railroad yards, repair shops and roundhouses.
12. Auto junk yards.

16.300 PROHIBITED USES

Dwelling units including mobile home parks and apartments, and motels, schools, churches, and retail commercial uses unless it serves or is auxiliary to the needs of the industrial plants or employees thereof, and any use not conforming to the performance standards set forth in this Ordinance.

16.400 AREA REGULATIONS

16.410 Front Yard

All building shall setback from road rights-of-way lines a minimum of 25 feet.

16.420 Side Yard

On corner lots where an I-3 property abuts roads, all buildings must setback a minimum of 25 feet from the right-of-way line. Where any I-3 District abuts a residential district, a minimum side yard of 100 feet in depth is required. In all other cases, no side yards are required.

16.430 Rear Yard

Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a residential district shall be a minimum of 100 feet. In all other cases, no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

ARTICLE 17

F - FLOOD PLAIN DISTRICT

17.100 GENERAL DESCRIPTION AND PURPOSE

In the interest of the public health, safety and welfare, the regulations of the district are intended to protect areas of flood plain subject to

and necessary for flood waters, and to permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the municipality as provided for in the Comprehensive Plan. In advancing these principles and the general purposes of the Zoning Ordinance and Comprehensive Plan, the specific intent of this district is:

1. To combine with present zoning requirements, certain restrictions made necessary for the flood plains to promote the general health, welfare and safety of the community.
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
3. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
4. To reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.
5. To permit certain uses which can be appropriately located in the flood plain as herein defined and which will not impede the flow of flood waters, or otherwise cause danger to life and property or further aggravate or increase the existing menace at or above or below their locations along the floodway.
6. To permit only those uses in the flood plain compatible to the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by (a) withholding rapid water runoff contributing to downstream flooding and (b) providing area for groundwater absorption for maintenance of the subsurface water supply.
7. To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

17.200 ESTABLISHMENT OF A DISTRICT

The limits of the Flood Plain District are hereby determined to be areas subject to periodic flooding and delineated as alluvial soils by the Soil Conservation Service, United States Department of Agriculture. Alluvial soils are water deposited soils, and represent areas most often inundated by flood waters. Maps and data comprising the Soil Survey of Clinton County, 1966, are available in the offices of the Clinton County Planning Commission, 208 E. Water Street, Lock Haven, Penna., and shall become part of the County Zoning Map.

1. The following will compose the Flood Plain District:

SYMBOL	NAME
As	Ashton Silt Loam
At	Atkins Silt Loam
Ba	Barbour Fine Sandy Loam
Bb	Basher Fine Sandy Loam
Bc	Basher Silt Loam
Ht	Huntington Fine Sandy Loam
Hu	Huntington Silt Loam
HvA	Huntington Silt Loam, local alluvium, 0 to 3 per cent slopes
HvB	Huntington Silt Loam, local alluvium, 3 to 8 per cent slopes
Lz	Lindside Silt Loam
Mn	Melvin and Newark Silt Loams
PoA	Pope Loam, fans, 0 to 3 per cent slopes
PoB	Pope Loam, fans, 3 to 8 per cent slopes
Ps	Pope Very Stony Loam
Ra	Riverwash
Sn	Stony Alluvial Land

2. Conditional Uses

Conditional permit may be granted with specified conditions by a Zoning Hearing Board with validation of detailed on-site studies and affirmative recommendation of the County Planning Commission.

17.300 PERMITTED USES

The following open-type uses are permitted in the flood plain zone subject to approval by the planning commission and to such conditions the planning commission may specify to protect the public interest.

17.400 ADJACENT TO AGRICULTURAL AND RESIDENTIAL DISTRICTS

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing and other agricultural uses which are of the same or a closely similar nature.
2. Railroads, streets, bridges, and public utility wire and pipe lines for transmission and local distribution purposes.
3. Public parks and playgrounds, and outdoor private clubs, including but not limited to country clubs, swimming clubs, tennis clubs, provided that no principal building is located in the floodway.
4. Recreational camp, camp grounds, and camp trailer parks, provided that restroom facilities shall be located and constructed in accordance with the Health Department requirements.

5. Other similar uses accessory to those permitted in the adjoining districts.

17.500 ADJACENT TO A COMMERCIAL DISTRICT

1. Any of the above permitted uses.
2. Archery range, drive-in theaters, miniature golf courses, and golf driving ranges.
3. Marina, boat launching ramp, boat rental, boat sales, provided that no principal building to located in the floodway unless it is designed and constructed to withstand without major damage, the flood conditions at the site.
4. Loading and unloading areas, parking lots, used car lots.
5. Other similar uses accessory to those permitted in the adjoining district.

17.600 ADJACENT TO AN INDUSTRIAL

1. Agricultural uses including crop, nursery stock, and tree farming, truck gardening, livestock grazing, and other agricultural uses which are of the same or closely similar nature.
2. Storage yards for equipment and material not subject to major damage by flood, provided, such use is accessory to a use permitted in an adjoining district.
3. Parking lots.
4. Railroads, streets, bridges, and utility lines.
5. Other similar uses accessory to those permitted in the adjoining district.

17.700 COUNTY PLANNER AND ENGINEER APPROVAL

No permit shall be issued for the construction of any building or structure including railroads, streets, bridges, and utility lines or for any use within the Flood Plain District until the plans for such construction or use have been submitted to the county planner and county engineer and approval is given in writing for such construction or use.

ARTICLE 18

P - PLANNED DEVELOPMENT DISTRICT

18.100 GENERAL DESCRIPTION AND PURPOSE

The regulations established in this subsection are intended to provide optional methods of land development which encourage imaginative design in residential, commercial and industrial large scale developments.

18.110 Residential

Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and the provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified planning in architecture and landscape architecture. A planned residential area shall consist of a minimum of 10 acres.

18.120 Commercial

The planned commercial area or shopping center is hereby established and regulated for a unified grouping in one or more buildings, of retail stores. It is intended that shopping centers be developed as a unit with adequate parking provisions and appropriate landscaping and screening materials. The shopping center shall not contain less than 8 stores located on a minimum of 5 acres.

18.130 Industrial

The planned industrial area or park is intended and established between light, medium and heavy industrial areas and residential areas which are served by major roads. The regulations for this district are intended to encourage a 'park' type development compatible with surrounding or abutting residential districts and containing large open space, landscaping and parking areas. The industrial park area shall contain a minimum of 10 acres.

18.140 Multi-Purpose

Multi-purpose uses will consist of the combined total acreages of the individual uses outlined in 18.110, 18.120 and 18.130.

18.200 USES PERMITTED

18.210 Residential Developments

- a. All R.D. uses are permitted in this district including single-family, duplex and apartment houses. The maximum number of units permitted shall be determined by a formula allocating $\frac{1}{2}$ acre per dwelling unit, unless otherwise required by the Pennsylvania Department of Health's local

sanitarian to contain larger land areas per unit. For each 50 units in the development, 1 acre may be set aside for commercial uses conforming to the permitted uses and parking requirements of the C-1, Neighborhood Commercial Zone.

- b. Recreation area is encouraged to be set aside for a community center, park, swimming pool or other recreational uses. The land to be set aside for permanent usable open space and recreation should equal 10 percent of the gross land area of the development.
- c. Educational and religious institutions plus non-profit clubs are also permitted.
- d. Uses prohibited are the same as outlined for R-2 Districts.

18.220 Commercial (Shopping Center) Developments

The uses permitted are the same as those permitted and prohibited in C-1 and C-2 Districts (Neighborhood Commercial and Central Business).

18.230 Industrial Parks

The uses permitted and prohibited are the same as for all industrial districts; I-1, I-2, and I-3.

18.300 AREA REGULATIONS

18.310 Residential Developments

All buildings in the development project shall be setback from the project periphery boundaries a minimum distance of 25 feet. Off-street parking shall be regulated according to the appropriate sections of this Ordinance.

18.320 Commercial Shopping Centers

- a. It is intended that the grouping of buildings and parking areas be designed to protect residential areas and that screening from noise and light be provided where the county planner deems necessary. In addition, all buildings shall be setback from street right-of-way lines and peripheral boundaries a minimum distance of 25 feet, except where a peripheral boundary adjoins a commercial or industrial district, no setback is required.

Further, there shall be a rear yard, alley, service court or combination thereof of not less than 50 feet in depth, and all of this service area shall be completely screened by permanent screening materials.

- b. There shall be a ratio of 3 square feet of parking including driveways to each foot of retail selling area per store.
- c. Access points to major roads shall be kept to a minimum with curb cuts containing a maximum of 30 feet and no closer than 50 feet to a road intersection. Entrance and exit lanes should be added and may be required by the planning commission, to major streets adjoining the shopping center.
- d. One off-street docking space for standing, loading and unloading shall be provided for each 25,000 square feet of aggregate gross floor area for all buildings. The minimum dimensions of this space are 50 feet in depth, 12 feet in width with a 14 foot clearance. All truck docks shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area to the satisfaction of the county planner.
- e. The shopping center shall be permanently screened from adjoining residential districts by a wall, fence, evergreen hedge or other enclosure material of a minimum height of 6 feet.

18.330 Industrial Parks

- a. All buildings shall set back from all road right-of-way lines a minimum distance of 25 feet, and 50 feet from all peripheral boundaries adjoining residential districts. The building coverage shall not exceed 40 percent of the area of the lot.
- b. Dust proofed and properly drained parking areas, to the satisfaction of the county engineer, shall be provided in amounts sufficient to meet the needs associated with the industrial park. One parking space is required per employee per shift, plus visitor and customer parking, as recommended by the county planner.
- c. All open space shall be landscaped and maintained to provide a 'park-like' setting.

18.400 ADMINISTRATIVE PROCEDURES FOR 'P' DISTRICTS

A developer requesting a zoning change to a P-District must file a written application to the planning commission accompanied by the following information.

- a. An overall development plan showing the utilization, dimensions and location of proposed streets, parks, playgrounds, residential units, stores and industrial uses accompanied

by other pertinent information requested by the county planner and the county engineer.

- b. The proposed development plan shall contain the seal of a landscape architect, architect, or professional engineer duly registered in the Commonwealth of Pennsylvania.
- c. After planning commission approval, a development plan shall be recorded showing building lines, common land, streets, easements, utilities, and other applicable features required in the Clinton County Subdivision Regulations. No building permit shall be issued without the final plat being approved and recorded.
- d. The application for development of the tract of land must be submitted by the land owners or a governmental agency.
- e. Upon the abandonment of a particular project authorized under this section and upon the expiration of 2 years from the authorization hereunder of a development which has not by then been completed, or commenced and an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be utilized without such approval for any other lawful purpose permissible within the use and area district in which the P-District is located.
- f. For shopping center developments, signed lease agreements by $\frac{1}{2}$ of the store tenants must be presented to the planning commission to show the ability and intent of the developer to carry out the development of the shopping center. Shopping center construction shall begin before 1 year from the date of issuance of the Building Permit.
- g. For industrial park developments, estimates must be provided indicating the maximum number of employees contemplated and the number of shifts. In addition, a description must be enclosed of the industrial operations in sufficient detail to indicate the effects of those operations in producing excessive traffic, noise, glare, odor, sewage, air pollution, water pollution, fire hazards or safety hazards. Engineering and architectural plans must be submitted for the handling of the above-mentioned problems including a designation of sewers to be used, smoke abatement processes, and waste disposal. The county engineer must approve these plans before any building permit is issued.

Any substantial deviation, as determined by the county planner and/or the county engineer, from the plans submitted shall constitute a violation of the Building Permit. Substantial changes

in plans must be submitted by the developer to the planning commission to insure compliance with the requirements, purpose and intent of this Ordinance and no Building Permit shall be issued for any construction which is not in substantial conformity with the approved plan.

ARTICLE 19

ZONING HEARING BOARD

19.100 ORGANIZATION AND PROCEDURE

19.110 Establishment

Pursuant to the provisions of the Borough Code, a Zoning Hearing Board (ZHB) is hereby established.

19.120 Appointment

The Zoning Hearing Board shall consist of three members, one of whom is a member of the planning commission, and one of whom shall be designated to serve until the first day of January following the adoption of the Zoning Ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three years.

19.130 Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant and such appointments to fill such vacancies shall be made in the same manner as the original appointment.

19.140 Removal

Any member of the Zoning Hearing Board may be removed for cause, upon written charges duly presented by the Borough Council, and after 15 days notice of such charges and public hearing thereon.

19.150 Compensation

The compensation of the Zoning Hearing Board shall be established by the Borough Council.

19.160 General Grant of Power

The ZHB shall perform all the duties and have all the powers prescribed by the Borough Code and as herein more particularly provided.

19.170 Rules of Procedure

The ZHB shall adopt rules in accordance with the provisions of this Ordinance, and any others not inconsistent herewith or with the Borough Code. Said Board shall choose annually, at its first meeting in January, a chairman, and vice chairman, and fix their duties.

19.171 Meetings. Meetings of the ZHB shall be held at the call of the Chairman and at such other times as said Board may determine and shall be at sufficiently frequent intervals, at the discretion of the Board, for the efficient conduct of its business. The Chairman, or in his absence the acting Chairman, shall have the power to issue subpoenas for the attendance of witnesses and production of records and may administer oaths and take testimony. Upon failure of any persons to answer in response to the subpoena of such officer, application may be made to the Courts for an order compelling the attendance of such witnesses. All meetings of the Zoning Hearing Board shall be open to the public.

19.172 Secretary. The ZHB shall have a Secretary who shall keep the minutes of its meetings, who shall be the official custodian of all its minutes, records, and decisions, and who shall perform such other duties as the Board shall by its rules determine.

The term of the Secretary of the ZHB shall be for one year commencing January 1, of each year. The Secretary shall be appointed and his compensation shall be fixed by the Borough Council.

19.173 Minutes and Records. The Secretary of the ZHB shall keep minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall immediately be filed in the office of the Board and shall be a public record. A card index record of all variances and special exceptions granted pursuant to action of the Zoning Hearing Board under this Ordinance shall be maintained

in an alphabetical street file, and the location of such variances and special exceptions shall be marked upon a copy of the zoning map. Said file and said map shall be available for public inspection.

- 19.174 Quorum and Vote. The presence of two members shall be necessary to constitute a quorum and the concurring vote of two members of the Zoning Hearing Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative officer or to decide in favor of the appeal of any matter upon which it is required to pass, in accordance with the provisions of this Ordinance, or to effect any variation in said Ordinance.

In exercising the power conferred upon it, the Zoning Hearing Board may, in conformity with the Borough Code and the amendments thereto, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made, and to that end have all the power of the Building Inspector.

The Chairman, or in the event of his absence from the Commonwealth or his physical disability, the Vice Chairman, and the Secretary shall sign all orders or instructions to the Building Inspector and recommendations to the Borough Council pertaining to matters relating to this Ordinance.

19.180 Appeals

19.181 Appeals to the Zoning Hearing Board

- a. Appeals to the Zoning Hearing Board may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance. Appeals to the ZHB may be taken by any officer, department, board or bureau of the borough affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance. The time within which such appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the Borough Council to govern the procedure of such

ZHB or in the supplemental rules of procedure adopted by such board.

- b. Upon appeals, the ZHB shall have the following powers:
- 1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency, based on or made in the enforcement of the zoning ordinance.
 - 2) To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions upon other special questions upon which such board is authorized by any such ordinance to pass.
 - 3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this subdivision would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.
- c. The concurring vote of four members of the board in the case of a five-member board and of two members in the case of a three-member board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the applicant.

19.182 Court Review

- a. Any persons, jointly or severally aggrieved by

any decision of the Zoning Hearing Board or any taxpayer or any officer, department, board or bureau of the municipality may present to the court of common please of the county in which the property concerning which such decision was made is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Zoning Hearing Board to review such decision of the ZHB, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board and on due cause shown, grant a restraining order.

- b. The Zoning Hearing Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- c. If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence, as it may direct, and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- d. Costs shall not be allowed against the board unless it shall appear to the court that it acted gross negligence or in bad faith or with malice in making the decision appealed from.

- e. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

19.183 Violations; Enforcement and Remedies.

- a. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land, in violation of any regulation in or of any provision of any zoning ordinance or any amendment thereof enacted or adopted by any board of county commissioners under the authority of this subdivision. Any person violating any such regulation provision, or amendment of any provision of this subdivision, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100) or imprisoned not more than ten days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.
- b. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this subdivision or of any regulation or provision of any ordinance or amendment thereof enacted or adopted by any board of county commissioners under the authority granted by this subdivision such board, the district attorney of the county or any owner of real estate within the district in which such building structure or land is situated may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

19.184 Information Required on Appeal Application

All appeals from a decision of the Building Inspector and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

- a. The name and address of the applicant, or the appellant.

- b. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
- c. A brief description and location of the zone lot to be affected by such proposed change or appeal.
- d. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
- e. A statement of the Section of this Ordinance under which the appeal is made, and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
- f. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- g. A recommendation from the planning commission.

19.185 Hearing and Personal Notice. The ZHB shall fix a reasonable time for the hearing of the appeal, giving due public notice and personal notice thereof to the appellant. Said appellant shall, at least five days prior to the time appointed for said hearing, give personal notice to all owners of property situated within or without the municipality and within two hundred feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode, if said owners are the occupants of the property affected by such appeal or are residents of the municipality in which said property is located.

Whenever said owners are non-residents of the municipality such notice may be given by sending written notice thereof by registered mail to the last-known address of the property owner or owners, as shown by the

most recent tax lists of the borough. . Where the owners are a partnership, service upon any partner as above provided shall be sufficient, and where the owners are corporations, service upon any officer, as above set forth, shall be sufficient. The appellant shall by affidavit present satisfactory proof to the said Zoning Hearing Board at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing any party may appear in person or by agent or by attorney.

19.186 Second Hearing. Whenever the Zoning Hearing Board after hearing all the evidence presented upon application or appeal and acting upon the recommendations of the planning commission, under the provisions of this Ordinance denies the same, or refuses to recommend to the Borough Council, said Board shall refuse to hold further hearings on the said or substantially similar application, or appeal by the same applicant, his successor, or assign for a period of one (1) year, except and unless said Board shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified.

19.200 POWERS AND DUTIES

The ZHB shall hear and decide appeals pursuant to the Borough Code, and shall have the following powers:

19.210 Approve Special Uses

The ZHB shall have original jurisdiction and power, after an advisory report from the planning commission, to grant a building permit for a special exception use which shall be so enumerated, on a particular site in the zone where enumerated without a finding of practical difficulty or undue hardship, but subject to the criteria and safeguards set forth in Section 5.800 to the extent applicable and in the manner provided by law and to such other conditions and safeguards which may be imposed by the ZHB to secure the general objective of this Ordinance and to protect adjoining properties.

19.220 Grant Variances

The Zoning Hearing Board shall have the power to grant variances, after an advisory report from the planning commission, pursuant

- b. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
- c. A brief description and location of the zone lot to be affected by such proposed change or appeal.
- d. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
- e. A statement of the Section of this Ordinance under which the appeal is made, and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
- f. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
- g. A recommendation from the planning commission.

19.185 Hearing and Personal Notice. The ZHB shall fix a reasonable time for the hearing of the appeal, giving due public notice and personal notice thereof to the appellant. Said appellant shall, at least five days prior to the time appointed for said hearing, give personal notice to all owners of property situated within or without the municipality and within two hundred feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode, if said owners are the occupants of the property affected by such appeal or are residents of the municipality in which said property is located.

Whenever said owners are non-residents of the municipality such notice may be given by sending written notice thereof by registered mail to the last-known address of the property owner or owners, as shown by the

most recent tax lists of the borough. . Where the owners are a partnership, service upon any partner as above provided shall be sufficient, and where the owners are corporations, service upon any officer, as above set forth, shall be sufficient. The appellant shall by affidavit present satisfactory proof to the said Zoning Hearing Board at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing any party may appear in person or by agent or by attorney.

- 19.186 Second Hearing. Whenever the Zoning Hearing Board after hearing all the evidence presented upon application or appeal and acting upon the recommendations of the planning commission, under the provisions of this Ordinance denies the same, or refuses to recommend to the Borough Council, said Board shall refuse to hold further hearings on the said or substantially similar application, or appeal by the same applicant, his successor, or assign for a period of one (1) year, except and unless said Board shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified.

19.200 POWERS AND DUTIES

The ZHB shall hear and decide appeals pursuant to the Borough Code, and shall have the following powers:

19.210 Approve Special Uses

The ZHB shall have original jurisdiction and power, after an advisory report from the planning commission, to grant a building permit for a special exception use which shall be so enumerated, on a particular site in the zone where enumerated without a finding of practical difficulty or undue hardship, but subject to the criteria and safeguards set forth in Section 5.800 to the extent applicable and in the manner provided by law and to such other conditions and safeguards which may be imposed by the ZHB to secure the general objective of this Ordinance and to protect adjoining properties.

19.220 Grant Variances

The Zoning Hearing Board shall have the power to grant variances, after an advisory report from the planning commission, pursuant

to the Borough Code. Every variance granted by the ZHB shall be based upon and accompanied by a specific finding or findings, supported by evidence produced at a public hearing, to the effect that:

- a. There are special circumstances or conditions, fully described in the finding, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood.
- b. Said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land or building.
- c. For reasons set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the ZHB is the minimum variance that will accomplish this purpose.

19.230 Variances Subject to Safeguards

Every variance granted by the ZHB or recommended by said Board to the Borough Council shall, in appropriate cases, be made subject to such conditions and safeguards as the said Board shall deem to be applicable to the particular case.

All conditions and safeguards shall be designed by the ZHB to protect the public health, safety, morals, and general welfare, and shall be further designed to provide reasonable consideration for the protection of the surrounding neighborhood.

19.240 Authorize Temporary Use

To grant after due notice and hearing, the temporary occupancy and use of a structure in any district for a purpose that does not conform with the district requirements; provided that such occupancy and use is truly of a temporary nature and subject to any reasonable condition and safeguards, which the ZHB may impose to minimize any injurious affect upon the neighborhood or to protect contiguous property. The approval by the ZHB and any permit based thereon, for such temporary occupancy and use, shall not be granted for a period of more than twelve (12) months, and shall not be renewable more than once and then for a period of not more than twelve (12) months.

ARTICLE 20

ADMINISTRATION AND ENFORCEMENT

20.100 BUILDING INSPECTOR

The Building Inspector is hereby given the duty, power and authority to enforce the provisions of this Ordinance. He shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this Ordinance and all nonconforming uses, record and file all applications for permits with accompanying plans and documents, and make such reports to the Planning Commission and the Zoning Hearing Board as may be required.

Building permits for a variance from the requirements of this Ordinance and for such special uses as may be enumerated in Article 3, Schedules I and II hereof shall be issued only upon written order of the Zoning Hearing Board or the Borough Council as the case may be.

20.200 BUILDING PERMITS

20.210 Purpose

To determine compliance with the provisions of this Ordinance. No person shall erect, alter, or convert any structure or building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Building Permit has been issued by the Building Inspector.

20.220 Application for Permits

Any such application shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot or lots to be built upon, its block and lot number as recorded, the date of official record of any lot or lots on which construction is proposed, the exact size and location of any building, sign, parking or loading area or other physical features existing or proposed on the lot, the existing and intended use of each building or part of a building, the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate, and such other information as may be necessary to determine compliance with this Ordinance. One copy of such plans shall be returned to the owner when such plans shall be approved; one copy each of all applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

20230 Issuance of Permits

It shall be the duty of the Building Inspector to issue a Building Permit, provided he is satisfied that the structure, building, sign, parking area of premises, and the proposed use thereof, conform with all requirements of this Ordinance and that all other reviews and actions, if any, called for in this Ordinance have been complied with and all necessary approvals secured thereof.

All building permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected, and protected from the weather, whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a Building Permit covering such operation has been displayed as required by this Ordinance, nor shall they perform building operations of any kind after notification of the revocation of said Building Permit.

20240 Denial of Permits

When the Building Inspector is not satisfied that the applicant's proposed development will meet the requirements of this Ordinance he shall refuse to issue a building permit and the applicant may appeal to the ZHB for a reversal of the Inspector's decision.

20250 Revocation of Permits

If it shall appear at any time, to the Building Inspector that the application or accompanying plot is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the applications filed with him under existing laws or ordinances, he may forthwith revoke the Building Permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Building Inspector. After the Building Permit has been revoked, the Building Inspector may, in his discretion, before issuing a new Building Permit, require the applicant to file an indemnity bond in favor of the municipality with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

20300 OCCUPANCY PERMITS

20310 For New Uses

After completion of the whole building or structure, and upon

the sworn application by the owner or his duly authorized agent, setting forth such facts as the Building Inspector may require, and after actual inspection of the premises by the Building Inspector, or his duly authorized assistant, the Inspector shall upon finding the facts to be as represented, issue in duplicate an Occupancy Permit, certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the permit, which purpose shall conform with the requirements of this Ordinance. No change of use shall be made in any building, structure, or premises, or premises now or hereafter erected or altered that is not consistent with the requirements of this Ordinance. Any person desiring to change the use of his premises shall apply to the Building Inspector for an Occupancy Permit, setting forth under oath such facts as the Building Inspector may require. A copy of the Occupancy Permit shall be kept at all times upon the premises effected, and shall be displayed upon request made by any building inspector, city fireman or police officer. A record shall be kept of all Occupancy Permits issued and the original applications therefore shall be kept on file in the same manner as applications for Building Permits. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after the passage of this Ordinance without first procuring an Occupancy Permit; provided that an Occupancy Permit once granted shall continue in effect so long as there is no change of use, regardless of change in the personnel of tenants or the occupants.

20.320 For Existing Uses

Upon written request from the owner, tenant or occupant, the Building Inspector, after inspection, shall issue an Occupancy Permit for an existing use legally existing at the time of this Ordinance is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this Ordinance.

No change or extensions of use, and no alterations shall be made in a nonconforming use or premises without an occupancy permit having first been issued by the Building Inspector stating that such change, extension or alteration is in conformity with the provisions of this Ordinance.

20.400 PLANNING COMMISSION

20.410 Review Applications and Appeals

20.411 Criteria for Review. The Planning Commission shall review all applications to the ZHB in accordance with applicable criteria set forth

in Section 5.800.

20.412 Report to the Zoning Hearing Board. The planning commission may approve, disapprove, or approve subject to conditions or modifications, and shall report its findings to the Zoning Hearing Board within thirty (30) days of receipt thereof; such report shall state all recommended conditions and modifications and the reasons for such approval or disapproval.

20.420 Addition of Other Similar Uses

20.421 Procedure. Upon application or on its own initiative and after a public hearing preceded by due notice, the planning commission may recommend to the Borough Council additional uses to be included in Schedules I and II of Article 3, provided, however, that such uses conform with the conditions set forth in the special findings required in Subsection 20.422 hereof.

20.422 Conditions.

- a. Such use is not permitted in any other zone district and if so permitted shall not be further permitted in a more restricted district than the district where such use is first permitted.
- b. Such use is more appropriate in the district or districts where it is added than in any other district or districts.
- c. Such use conforms to the basic characteristics of the district to which it is to be added and will not adversely affect any uses already permitted in such districts.
- d. Such use does not create any danger to health and safety.
- e. Such use is not likely to create any more traffic than other uses permitted in such district, and does not create any more dangerous or objectionable influences normally resulting from other permitted uses.

20.430 Report to Borough Council

Following the enactment of this Ordinance the planning commission shall, from time to time, prepare and file with the Borough Council, but in no case at less than two (2) year intervals, a report on the operation of this Ordinance including

recommendations on the enactment of amendments, supplements, or changes thereto.

20.500 VIOLATIONS

20.510 Complaints of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon.

20.520 Procedure for Abatement of Violations

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building structure or land is used in violation of this Ordinance or of any ordinance or regulation made under authority conferred hereby, the Borough Council, or, with their approval, the Building Inspector or other proper official in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

20.530 Penalties

Any person, firm or corporation violating any provision of this Ordinance, shall, upon conviction, be punished by a fine not to exceed three hundred dollars for any offense. Each day that a violation exists shall constitute a separate offense.

20.600 FEES

The following fees shall be paid at the Office of the Building Inspector upon the filing of an application:

Building Permits for uses not requiring Board action;

Building permits for uses requiring Board action;

Building Permits for Signs;

Occupancy Permit;

Appeal for Variance;

Rehearings on Applications and Appeals;

The Fee shall be one dollar per \$1,000.

ARTICLE 21

AMENDMENTS

21.100 BOROUGH COUNCIL MAY AMEND

Such regulations, restriction, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. However, such amendment shall not become effective except by the favorable vote of not less than a quorum of the members of the Borough Council.

21.200 PETITIONS BY PROPERTY OWNERS FOR CHANGE OF DISTRICT

When owners of more than fifty (50) percent of the frontage within a district or part of a district shall present to the Borough Council a duly signed petition for the amendment, change or modification of said district or part of district, the Borough Council shall act upon said petition within one hundred and twenty (120) days after the filing of said petitions with the Prothonotary. Said petition shall be accompanied with a map showing the lots, buildings, and uses of property within the area for which the change of district is asked as well as of all of the property within one hundred (100) feet therefrom (exclusive of street space). Said petition shall, furthermore, set forth the grounds or reasons for the proposed change. Any proposed amendment or change of district or part of district petitioned by owners shall be referred to the Area and County Planning Commissions for study and report. The Area Planning Commission shall report back to the Borough Council its findings upon such proposed amendment or change within sixty (60) days after the receipt of such reference.

ARTICLE 22

INTERPRETATION AND VALIDITY

22.100 INTERPRETATION

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall control.

22.200 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance or the location of any district boundary shown on the Zoning Map that forms a part hereof is for any reason held by a Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance or Zoning Map. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections of parts thereof be declared invalid.

22.300 EFFECTIVE DATE

This Ordinance shall take effect immediately upon the adoption thereof.

ARTICLE 23

DEFINITIONS

23.00 General

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future, the singular number shall include the plural, and the plural the singular, the word 'building' shall include the word 'structure', the word 'used' shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used, the word 'shall' is mandatory and not optional, the word 'abut' shall include the words 'directly across from'.

2301 Accessory Use or Structure

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

23.02 Agent of Owner

Any person who can show written proof that he has authority to act for the property owner.

23.03 Alley

A public thoroughfare which affords only a secondary means of access to abutting property.

23.04 Automobile or Trailer Sales Area

An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

23.05 Automobile Service Station or Filling Station

A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicles trade at retail, and where the following services may be rendered.

a. Minor Repair

1. Sale and servicing of spark plugs and batteries.
2. Tire repair and servicing, but no recapping.
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing, not including mechanical and/or automatic car wash establishments.
6. Greasing and lubrication.
7. Installation of fuel pumps and fuel lines.
8. Minor servicing and replacement of carburetors.
9. Emergency wiring repairs.
10. Adjustment and installation of brakes.
11. Tuning engines, except for grinding valves, cleaning carbon, or removing engine heads and/or crankcases.
12. Any similar minor service or repair not listed below under "major repair."

b. Major Repair

In addition to those repairs and services listed above as "minor repair," any general repair, rebuilding or reconditioning not listed above, collision service including body, frame or fender straightening or repair, painting or paint shop, mechanical car wash esta-

blishments, but not including any operations which require the heating or burning of rubber.

23.06 Bakery

Bakeries which are permitted in the I-1 District only, include such baking establishments which manufacture quantities of goods for retail elsewhere than on the premises.

23.07 Basement

A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a 'cellar' which is a story more than one-half below such level). No portion of any basement shall be used as a dwelling unit.

23.08 Borough Council

Council of the Borough of Renovo or the Borough of South Renovo.

23.09 County

The County of Clinton.

23.10 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 such 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 minimum side yard requirements.

23.11 Building Group

Any building, such as a store group, which is divided into separate parts by one or more unpierced walls, extending from the ground up.

23.12 Building Height

The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.

23.13 Building Inspector

The Building Inspector shall be the Zoning Officer of the municipality.

23.14 Building, Principal

A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

23.15 Commercial Vehicle

A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers, and construction equipment.

23.16 County Commissioners

The Board of County Commissioners of the County of Clinton.

23.17 Court

A court is any open, unoccupied area which is bounded by three or more attached building walls.

23.18 District

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

23.19 Dwelling

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a mobile home and as otherwise provided herein.

a. Single-Family Attached Dwelling

A building designed for and occupied exclusively as a residence for one family only and having a party wall on each side in common with an adjacent building.

b. Single-Family Detached Dwelling

A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

c. Single-Family Semi-Detached Dwelling

A building designed for and occupied exclusively as a residence for only one family and having but one party wall in common with an adjacent building.

d. Two-Family Attached Dwelling

A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having a party wall on each side in common with an adjacent building.

e. Two-Family Detached Dwelling

A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having no party wall in common with an adjacent building.

f. Two-Family Semi-Detached Dwelling

A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having but one party wall in common with an adjacent building.

g. Dwelling, Multi-Family

A building designed for and occupied exclusively as a residence for three or more families living independently of one another.

23.20 Dwelling Structure

Any structure which shall contain one (1) or more rooms providing sleeping and sanitary facilities, not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boarding house or similar structure

23.21 Dwelling Unit

One (1) or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

23.22 Essential Services

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

23.23 Family

An individual, or two or more persons living together as a single house-keeping unit in a dwelling unit.

23.24 Floor Area

For the purposes of applying the requirements for off-street parking and loading, "floor area," in the case of offices, merchandising, or service type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms.

23.25 Garage, Private Parking

A detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for storage of more than one (1) commercial vehicle and such commercial vehicle shall not be larger than one ton rated capacity per family resident upon the premises.

23.26 Garage, Public Parking

A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles; not including a structure or part thereof used only for storage or display of automobiles for other than transients.

23.27 Hotel

A building with guest rooms designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

23.28 Limited Access Highway

A highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way and including all highways designated as limited access highways as adopted by the Planning Commission.

23.29 Lot or Zone 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 and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.

a. Lot, Corner

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner."

b. Lot, Depth

The mean horizontal distance between the front and the rear lot lines.

c. Lot Lines

The property lines bounding the lot.

1. Lot Line, Front. The line separating the lot from a street.
2. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
3. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
4. Lot Line, Street or Alley. A lot line separating the lot from a street or alley.

d. Lot Width

The mean width of the lot measured at right angles to its depth.

e. Lot Area

The computed area contained within the lot lines.

23.30 Motels, Motor Courts and Motor Motels

A series of attached or semi-attached dwelling structures, where each unit has convenient access to parking space for the use of the unit's occupants. The units, with the exception of the manager's office or caretaker's unit, are designed to provide sleeping accommodations for automobile transients or overnight guests.

23.31 Nonconforming Lot

Any zone lot in single ownership, where the owner of said lot does not

own any adjoining property, the subdivision of which could create one (1) or more conforming lots, which does not conform with the minimum area and/or dimensions required in the District where such lot is situated or for any special use, as the case may be.

23.32 Nonconforming Structure

A sign or structure, the design or size of which does not conform to the regulations of this Ordinance for the district in which it is located.

23.33 Nonconforming Use

A building, structure or premises, other than a dwelling, legally existing and/or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located.

23.34 Nursing Home

Any premises with less than fifteen (15) sleeping rooms where persons are lodged and furnished with meals and nursing care.

23.35 Office Building

A building, comprised of more than fifty (50) percent of offices, as compared with "offices" and as compared with home occupations where offices are considered as a secondary or incidental use.

23.36 Parking Area, Private

An open area for the same uses as a private garage, and regulated as a private garage.

23.37 Parking Area, Public

An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

23.38 Planning Commission

The Planning Commission of the Western Clinton Areas

23.39 Professional Office

The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential occupation, shall be conducted by a member of the residential family entirely within a residential building, and shall include offices of doctors or physicians, dentists, optometrists, ministers, architects,

landscape architects, planners, engineers, lawyers, artists, authors, musicians, and such other similar professional occupations which may be so designated by the ZHB upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property right in any zone to a greater extent than for the professional activities listed herein. The issuance of a Commonwealth or local license for regulations of any gainful occupation need not be deemed indicative of professional standing.

23.40

Recreation

a. Recreation, Commercial

Recreation facilities operated as a business and open to the general public for a fee.

b. Recreation, Private, Non-Commercial

Clubs or recreation facilities, operated by a non-profit organization and open only to bonafide members of such organization.

c. Recreation, Public

Recreation facilities operated as a non-profit enterprise by any governmental entity or any non-profit organization and open to the general public.

23.41

Residential Street

A street, between two intersecting streets, upon which an R-District abuts, or where fifty (50) percent or more of the abutting street frontage is in predominantly residential use.

23.42

Rooming House

A building containing a single dwelling unit and rooms for the rooming and/or boarding of at least three (3) persons, but not more than twenty-five (25) persons by pre-arrangement for definite periods of not less than one (1) week.

23.43

Seasonal Dwelling

A seasonal dwelling shall be any detached dwelling designed or used for occupancy primarily during the summer months by not more than two families.

23.44 Sign

A "sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

However, a "sign" shall not include any display of official court, or public office notices nor any official traffic control devices, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school, or a religious group. A "sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign".

23.45 Sign, Business

A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

23.46 Sign, Flashing

A "flashing sign" is an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving, illuminated sign shall be considered a "flashing sign."

23.47 Sign, Gross Surface Area of

The "gross surface area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

23.48 Special Use

A "special use" is a use which because of its unique characteristics requires individual consideration in each case by the ZHB and/or the Planning Commission, as specified in Article 22, before it may be permitted in the district enumerated in Article 3, Schedules I or II. In accordance with the provisions of this Ordinance, the Planning Commission may require certain conditions and safeguards before such a use is permitted.

23.49 Story

That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling above it.

a. Story, Half

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residence purposes, other than for a janitor, or caretaker or his family.

b. Story, First

The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

23.50 Street

A public or private thoroughfare not less than 30 feet in width if in existence prior to the passage of this Ordinance nor less than 50 feet in width if established subsequent to the passage of this Ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfare except an alley.

a. Side Street

Any street, the length of which shall be not more than 50 percent of the length of the largest street line of the city blocks of which it is a part.

23 51 Structure

Any change in the structural members of a building, such as walls, beams, columns, or girders.

23.52 Yard

An open space, as may be required by this Ordinance, of uniform width, or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

a. Yard, Front

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground

upward except as specified elsewhere in this Ordinance.

b. Yard, Rear

An open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

c. Yard, Side

An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

23.53 Township Supervisors

Supervisors of the Township of Chapman or the Township of Noyes.

23.54 Variance

The Zoning Hearing Board authorized departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.

23.55 Zoning Map

The Zoning Map or Maps of the County of Clinton, Pennsylvania, together with all amendments subsequently adopted.

23.56 Zoning Hearing Board (ZHB)

The Zoning Hearing Board of Clinton County.