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ZONING ORDINANCE (95)

COUNTY OF DAUPHIN

TOWNSHIP OF WICONISCO

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AN ORDINANCE

PERMITTING, PROHIBITING, REGULATING, RESTRICTING AND DETERMINING THE USES OF LAND, WATER COURSES AND OTHER BODIES OF WATER, SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; AND PROVIDING FOR REPEAL, EXCEPTIONS AND VARIANCES; FOR CONDITIONAL USES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, AND SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO IMPLEMENT THE PURPOSE OF THIS ORDINANCE.

ARTICLE I

TITLE, AUTHORITY, PURPOSE,

COMMUNITY DEVELOPMENT OBJECTIVES

SECTION 1. SHORT TITLE

This Ordinance shall be known as and may be cited as the "TOWNSHIP OF WICONISCO ZONING ORDINANCE".

SECTION 2. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247. "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

SECTION 3. PURPOSE

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements, as well as

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- B. To prevent one or more of the following: Overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.

SECTION 4. COMMUNITY DEVELOPMENT OBJECTIVES

The Community Development Objectives are enumerated as follows:

- [1] To provide an overall agreed-upon framework of policy against which individual proposals can be evaluated by the legislative body of the community.
- [2] To provide a framework within which physical planning for needed facilities can be accomplished.
- [3] To establish long-range development responsibilities and policies to which individual property owners, businessmen and industrialists can prepare and coordinate their plans for development.
- [4] To establish a consensus about long-term growth potentials, objectives and priorities so that the community can undertake development projects based upon logic, realism, coordination and economy.

A. SOCIAL OBJECTIVES

1. Social Planning

To develop a mechanism for social planning in the community for coordinating effort, avoiding duplication and more adequately meeting unmet or partially served needs of the community.

2. Health and Environmental Sanitation

To provide and make available to all members of the Community the best health care and environmental sanitation possible.

Support local, county and State agencies in overall health planning and development of preventative health programs.

Enforce all ordinances in such areas as air and water pollution.

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3. Housing

To provide decent housing for every member of the community in order to meet their physical and psychological needs.

Adequate enforcement of all codes and ordinances which will insure health, safety and welfare of the residents of the Township of Wiconisco.

Develop residential opportunities which are flexible and open, permitting a mixture of people in all areas.

Encourage housing and land development procedures which permit improvement and experimentation in housing types and construction, lot sizes, open space and community facilities.

4. Recreation

To enhance and enrich the lives of the members of the community by providing the means for a more stimulating and rewarding use of increasing leisure time.

Recreational facilities such as playgrounds and parks are to be improved and expanded.

Reserve sites for active and passive recreation in areas of potential urbanization.

B. ECONOMIC OBJECTIVES

1. Personal

The community should be based on an economy capable of assuring employment opportunities and a rising standard of living.

Increase labor productivity through such measures as retraining and general adult education, improving vocational-technical education for prospective entrants to the labor force and implement retention programs for prospective school drop-outs.

Support and assist all projects which will contribute to the alleviation of unemployment and underemployment and the raising of incomes.

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2. Commercial

To encourage new commercial development which will take the form of unified and concentrated centers.

Provide varied sites suitable for a variety of outlets.

Plan for a minimum conflict with other area activities.

Effectively use and develop old commercial centers that are important to the area's economy.

3. Industrial

To develop a physical framework which is conducive to the retention of existing industries and the attraction of new economic activities in the Township.

Provide space for industry which is free from residential and other non-residential land use intrusions.

Seek the minimization of industrial blight and the blight effects of industries on their neighbors.

C. PHYSICAL OBJECTIVES

1. Land Use

To establish a land use pattern which provides the maximum opportunity for meeting human needs while complementing the distinctive features of the natural environment.

Adopt and enforce effective land use controls.

Support and assist the Tri-County Regional Planning Commission in promoting the orderly physical development of Cumberland, Dauphin and Perry County areas.

Coordinate and interrelate local planning to the plans of the tri-county area.

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2. Transportation

To develop a community-wide circulation system for serving existing and anticipated future land use, providing maximum convenience of movement to the population and shaping the extent and direction of community growth.

Design the local street system to discourage thru traffic in residential neighborhoods.

Support the Tri-County Regional Planning Commission and the Pennsylvania Department of Transportation in the planning and design of major thoroughfares.

Encourage the growth of public transportation in suburban areas.

3. Aesthetics

To conserve and develop those natural resources upon which the future well being and indeed the existence of the community are dependent and take immediate steps to prevent either depletion or pollution of these resources.

Place all utilities underground whenever feasible.

Enforce local ordinances prohibiting trash burning.

4. Utilities

To develop a maximum relationship between the development of land and the provisions of adequate public facilities.

Expand water service to adequately serve all deficient or potential growth areas.

Reserve land for future facilities and utility rights-of-way.

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ARTICLE II

DEFINITIONS

DEFINITION OF TERMS

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied".

ACCESS DRIVE: A road surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, and gardening.

ALLEY: A public thoroughfare other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMENDMENT: A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Governing Body.

ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APARTMENT: A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Apartment Hotels, Bachelor Apartments, Studio Apartments and Kitchenette Apartments. Conversion apartments are not included in this classification.

APARTMENT, HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by two or more families living independently of each other.

APPLICANT: A landowner or developer who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit for the approval of a subdivision plat or plan or for approval of a development plan.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTO COURT: A building or group of buildings, whether detached or in connected units used as individual sleeping or dwelling units designed primarily for transient automobile travel and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist cabins, motor lodges, motels and similar appellations.

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AUTOMOBILE GARAGE, MAJOR: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

AUTOMOBILE GARAGE, MINOR: An accessory building for the storage of one or more automobiles and/or other vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein, nor space therein, for more than one automobile is leased to a non-occupant of the premises.

AUTOMOBILE AND/OR MOBILE HOME SALES GARAGE: A building on a lot designed and used primarily for the display or sale of new and used cars and mobile homes where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE AND/OR MOBILE HOME SALES LOT: An open lot, used for the outdoor display or sales of new or used automobiles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE SERVICE STATION: Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles. Includes filling stations, but not including the storage of motor vehicles.

AUTOMOBILE WASHING (CAR WASH): A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Automobile Service Stations.

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BAFFLE: A freestanding randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BASEMENT: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.

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BLOCK: An area bounded by streets.

BOARDING HOUSE: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

BOAT: A small open vessel, floating craft or water craft of all sorts and sizes propelled by physical or mechanical means.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING, ACCESSORY: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel to the front, side, or rear lot line set so as to provide the required yard.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.

BUILDING, NON-CONFORMING: A building so located on a lot that it does not have the minimum front, or side, or rear yards required for the District in which it is located.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or adjacent property line.

CAMP: Any one or more of the following, other than a hospital, place of detention, school offering general instruction, or a trailer camp.

Type 1. - Any area of land or water of a design or character used for seasonal, recreational or other similar temporary living purposes which may include any building or group of buildings of a movable, temporary or a seasonal nature, such as cabins, tents, or shelters.

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Type 2. - Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

CAMPING GROUND: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary or seasonal nature, a travel trailer camp or travel trailer court.

CARPORT: A covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a planned residential development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

CONDITIONAL USES: Conditional uses shall be allowed or denied by the governing body after recommendations by the Planning Commission, pursuant to express standards and criteria set forth in the Zoning Ordinance.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE: That portion or percentage of the plot or lot area covered by the building area.

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CROSS-WALK: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

CURB LEVEL: The officially established grade of the curb in front of the mid-point of the lot.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DAIRY: A commercial establishment for the manufacture or processing of dairy products.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or caused to be made a subdivision of land or a land development.

DEVELOPMENT PLAN: The provisions for development of a planned residential development, including a plot of subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. This phrase "provisions of the development plan" when used in this Act shall mean written and graphic materials referred to in this definition.

DISTRICT, ZONE: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DOG KENNEL: A structure where four (4) or more dogs that are more than six (6) months old are kept.

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DWELLING: A building or structure designed for living quarters for one or more families, including mobile homes which are supported either by a foundation or by blocks or jacks or are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.

DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

DWELLING GROUP: A group of two (2) or more single family, two family, or multi-family dwellings occupying a lot in one ownership.

DWELLING, MULTI-FAMILY: A building used by two (2) or more families living independently of each other and doing their own cooking, including apartment houses, row houses, or town houses.

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DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, SINGLE FAMILY, ATTACHED (ROW): A building used by one (1) family and having two (2) party walls in common with other buildings (such as row house or town house).

DWELLING, SINGLE FAMILY, QUADROPLEX: A building used by one (1) family, having one (1) side yard, and two (2) party walls in common with another building, one party wall being a side wall and one being a rear party wall.

DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, TWO FAMILY, SEMI-DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission distribution facilities including substations.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality.

ENGINEERING SPECIFICATIONS: The engineering specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FAMILY: One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging, or boarding house.

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FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or within two (2) feet of any front, side or rear lot line; for the purpose of this Ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance, when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines," "side yard lot lines," "front yard lot lines," and the area within two (2) feet of the same. Fences are not synonymous with "Garden structures" which are defined elsewhere herein.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stippled surface and shall include the conditions resulting therefrom. The difference is elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FILLING STATION: Any area of land, including structure thereon, that is used or designed to be used for the supply of gasoline or oil or fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. Includes automobile service stations.

FLOOD HAZARD BOUNDARY MAP: Means an official map or plat of a community, issued or approved by the Administrator, on which the boundaries of the flood plain and/or mudslide areas having special hazards have been drawn. This map must conform to the Special Flood Hazard Map and be of sufficient scale and clarity to permit the ready identification of individual building sites as either within or without the area having special flood hazards.

FLOOD PLAIN OR FLOOD-PRONE AREA: Means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded. Flood plain area having special flood hazards means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

FLOODPROOFING: Means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

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FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOODWAY ENCROACHMENT LINES: Means the lines marking the limits of floodways on official Federal, State, and local flood plain maps.

FLOOR AREA OF A BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE: The sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one skylight, or window opening onto an outside yard or court.

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

FLOOR AREA RATIO: The ratio of floor area of a building to its lot area. When a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of 10,000 square feet is limited to a maximum of 4,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for one story, 2,000 square feet per story for two stories, and so forth.

GARAGE, MINOR: A building, not a private garage, used solely for the storage of motor vehicles.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more vehicle, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC: Any garage other than a private garage, and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GARDEN APARTMENT: A two (2) story multi-family dwelling, containing one (1) story dwelling units, under one ownership.

GARDEN STRUCTURES: Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than two (2) feet to any side or rear lot line; included in this category

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of structures are arbors, aviaries, pergolas, trellis's, barbecue shelters, lathe house, private greenhouse and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structure may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GARDENING: The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

GRADE, ESTABLISHED: The elevation of the center line of the streets as officially established by the municipal authorities.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUND FLOOR: The floor of a building nearest the mean grade of the front of the building.

GOVERNING BODY: Shall mean the Board of Supervisors of the Township of Wiconisco, Dauphin County, Pennsylvania.

HEIGHT OF BUILDING: 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.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

HOSPITAL: A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care including such establishments as a sanitarium, sanatorium and preventorium.

HOTEL: A building designed for occupancy primarily as the temporary abiding place for individuals who are lodged with or without meals, but do not have provisions for cooking in any individual room or suite, in which building:

- a. There are more than ten (10) sleeping rooms.
- b. Fifty (50) percent or more of the gross floor area shall be devoted to residential use.

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- c. Business may be conducted when accessory and incidental.
- d. There may be club rooms, ballrooms, and common dining facilities.
- e. Such hotel services as maid, telephone and postal services are provided.

HOTEL, APARTMENT: A building designed for occupancy primarily as the permanent abiding place of families who are lodged with or without meals, in which building:

- a. More than fifty (50) percent of the gross floor area devoted to residential use is in dwelling units.
- b. Business may be conducted when accessory and incidental.
- c. Such hotel services as common dining facilities, maid, telephone and postal services are provided.
- d. There may be club rooms and ballrooms.

HOTEL, RESIDENTIAL: A dwelling occupied by permanent guests which may not have housekeeping facilities for each room or suite of rooms.

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards, and covenants controlling the architecture and use.

INDUSTRY: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAND DEVELOPMENT: (i) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group to two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features; (ii) a subdivision of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

LAUNDERETTE: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house of an apartment hotel.

LIGHTING:

- a. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- b. Direct or flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- c. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LODGING HOUSE (ROOMING HOUSE): A building where, for compensation, rooms are provided for at least three (3) but not more than fifteen (15) persons, and in which no table board is furnished.

LOT: A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.

LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.

LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than 135 degrees and the radius of the street or private road line is less than 100 feet.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.

LOT, INTERIOR: A lot other than a corner lot.

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LOT LINES: The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH: The minimum lot width at the building setback line.

LOT, NON-CONFORMING: A lot of record prior to the enactment of this Ordinance, which by reason of area or dimension, does not conform to the requirements of the district in which it is located.

LOT OF RECORD: A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

LOT, REVERSE FRONTAGE: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT, THROUGH OR DOUBLE FRONTAGE: A lot with front and rear street frontage.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing of the refinishing of manufactured articles.

MAJOR THOROUGHFARES: A street or highway designated as an existing or planned major thoroughfare.

MAJOR THOROUGHFARE, RESTRICTED ACCESS: A major thoroughfare or part thereof, which when open to public use, access is limited from abutting property and other streets to locations and in the manner approved by the municipality and/or the Pennsylvania Department of Transportation.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MOBILEHOME: Means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separate for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

MOBILEHOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome lots.

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MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

NONCONFORMING BUILDING: A building or structure which does not conform to all the height, area, yard, and court regulations of the district in which it is located.

NONCONFORMING SIGN: A sign which does not conform to the regulations of the district in which it is located.

NONCONFORMING STRUCTURE: Means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: Means a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care or custodial care, for hire and which is approved for non profit agencies licensed for profit making operations by the Pennsylvania Department of Public Welfare for such use.

OFFICE BUILDING: A building designed or used primarily for office purposes, no part of which is used for manufacturing, or for dwelling other than by a watchman or janitor.

OFFICE, PROFESSIONAL: A room or rooms used for the carrying on of a profession.

OPEN PIT MINING: Open pit mining shall include all activity which removes from the surface or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

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OPEN SPACE: The unoccupied space open to the sky on the same lot with the building, not including parking lots.

PARKING LOT, PUBLIC: Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PERSON: Any individual or group of individuals, partnership, or corporation.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Zoning Ordinance.

PLAN, SKETCH: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surrounding and the general layout of a proposed subdivision.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, FINAL: A complete and exact subdivision or land development plan prepared for official recording as required by statute.

PLAT, PRELIMINARY: A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

PORCH: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door.

PREMISES: Any lot, parcel, or tract or land and any building constructed thereon.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A right-of-way, other than a street, which provided vehicular and/or pedestrian access to one or more lots.

PROFESSIONAL OCCUPATION: The practice of a profession by any Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropractist, Engineer, Surveyor, Architect, Landscape Architect or City Planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

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PUBLIC: Owned, operated or controlled by a government agency (federal, state or local — including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC GROUNDS: Public grounds include the following:

- a. Parks, playground, and other public area; and
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICES: Notice given not more than thirty days and not less than fourteen days in advance of the date of any public hearing required by this Ordinance. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RESIDENTIAL HOTEL: A hotel used by sixteen (16) or more permanent guests only and not by transients. It may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle, (including Camping Trailer, Motor Home, Travel Trailer, and Truck Camper); and a body width of no more than eight (8) feet and body length of no more than thirty-five (35) feet when factory equipped for the road, and licensed as such by the Commonwealth.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use, thereby constituting a "land development".

RECREATIONAL VEHICLE PARK OR CAMP GROUND LOT: A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use:

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RIDING ACADEMY: An establishment where horses are kept for riding or driving or are stabled for compensation, or incidental to the operation of any club, association ranch, or similar establishment.

RIGHT-OF-WAY STREET: A public throughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARIUM, SANATORIUM: A private hospital, whether or not such facility is operated for profit.

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE: Same as elementary and secondary school except general education is provided above the level of the secondary school and may include junior college, college, or university.

SCHOOL, ELEMENTARY: Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for two or more children under the age of elementary school.

SCHOOL, SECONDARY: Same as Elementary School except general education is provided for secondary grades.

SCHOOL, VOCATIONAL: Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SHOPPING CENTER: A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

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SIGHT DISTANCE: The length of roadway visible to the driver of passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

SIGN, ADVERTISING: A sign intended for the painting, positing or otherwise displaying of information inviting attention to any product, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

SIGN, BUSINESS: A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

SIGN, IDENTIFICATION: A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

SIGN, ROOF: Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

SIGN, SERVICE: A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent facts.

SIGN, TEMPORARY: A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding sixty (60) days.

SIGN, WALL: A sign painted on or affixed to and paralleling the outside wall of building, and extending not more than eighteen (18) inches from such wall.

SLOPES: The face of an embankment or cut section; and ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

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SPECIAL EXCEPTIONS: The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established by the governing body. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the zoning ordinance, as it may deem necessary to implement the purpose of Act 247 and the zoning ordinance.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE PUBLIC: A building in which horses are kept for remuneration, hire, exhibition, or sale.

STREET: A public right-of-way which affords primary vehicular traffic or pedestrian access to abutting properties, includes avenue, boulevard, road, highway, freeway, parkway, and viaduct, but shall not include a lane or an alley for the purposes of this ordinance.

STREET GRADE: The official established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE: The dividing line between the street and the lot, also known as right-of-way line.

STREET, MAJOR:

a. **Arterial Street**

A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.

b. **Collector Street**

A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

c. **Limited Access Highway**

Those streets which carry large volumes of traffic at comparatively high speed with access at designated public roads and not from abutting properties.

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STREET, MARGINAL ACCESS: A minor street which is parallel and adjacent to limited access highway or arterial streets and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street used primarily for access to abutting properties.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STORY, HALF: A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over two (2) feet above the finished floor of such story.

STRUCTURE: Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpoles, stadiums, platforms, towers, sheds, storage bins, fences exceeding four (4) feet in height, signs, sign posts, lights, and light standards for other than residential use but excepting patios, driveways, walks, and parking area at yard grade.

STUDIO, DANCING OR MUSIC: The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one (1) student may be taught in a class at one time. This term is synonymous with "Dancing School" and "Music School", and other similar expressions.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided under this ordinance. Same as applicant.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL IMPROVEMENT: Is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (a) before improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred.

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SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water drainage.

SWALE: A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL, PRIVATE: Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

TELEPHONE CENTRAL OFFICE: A building and its equipment erected and used for the purpose of facilitation transmission and exchange of telephone and radio messages between subscribers, and other business of Telephone Company; provided that in a residential district a telephone central office shall not include public business facilities, storage of materials, trucks or repair facilities, or housing or repair crews.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

TOP SOIL: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually in the uppermost soil layer called the A Horizon.

TOURIST CABINS: A group of buildings, including either separate cabins or a row of cabins, which:

- a. Contain living and sleeping accommodations for transient occupancy; and
- b. Have individual entrances.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRANSFORMER SUB-STATION: An electric sub-station containing an assemblage of equipment for the purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public, provided that in a residential district, an electric substation shall not include rotating power equipment, storage of materials, trucks or repair facilities or housing of repair crews.

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UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE: The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

WADING POOL: A portable or permanent structure designed to hold water for wading purposes not to exceed 18 inches in height and area governed by its location and located above or recessed at ground level is for the purpose of this Ordinance a wading pool.

WATERCOURSE: A stream of water, river, brook, creek, or a channel or ditch for water whether natural or man-made.

WHARF: A construction designed and placed at waters edge along side which boats and other water craft can be brought to be docked, landed, moored, loaded or unloaded of its contents.

WINDOW: An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space.

YARD: An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

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ARTICLE III

GENERAL PROVISIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

A. USE REGULATIONS1. Agriculture Farms and Gardening

The tilling of the soil, raising of crops, the keeping of livestock, poultry, and the processing of dairy products, horticulture and gardening shall be permitted in any district; providing that only gardening, incidental to residential uses, shall be permitted on improved lots located in a subdivision plan approved by the Municipality.

2. Animals and Poultry

In districts where permitted or where permitted as a conditional use, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery, or boarding stables, dog kennels, stock raising, dairying, and poultry shall be subject to the following safeguards and regulations:

- a. Buildings in which livestock or poultry are kept shall not hereafter be erected within one hundred (100) feet of any lot line.
- b. Storage of manure or odor or dust-producing substance shall not be permitted within one hundred (100) feet of any lot line.

- c. Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within fifty (50) feet of any lot line.

- d. The selling of products raised, bred or grown on the premises shall be permitted, provided that all temporary stands or shelters not conforming to building code standards used for such sales shall be removed during that period when not in use for the display of, or sale of products.

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3. Apartment (Conversion)

As a special exception, any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one family providing that:

- a. The minimum habitable floor area is provided as required in this Article.
- b. The lot area per family shall conform to the regulations for the district in which located.
- c. There is no exterior evidence of change in the building except as required by the state or local building or housing codes or regulations.
- d. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- e. Parking shall be provided in accordance with the provisions of Article XIV entitled "Off-Street Parking".
- f. The plans for the conversion of said building shall be submitted to the Zoning Hearing Board for review and approval.

4. Clubs, Lodges and Fraternal Organizations

In districts where permitted, or where permitted as a conditional use, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.

5. Garden Apartments

In districts where permitted all garden apartments shall comply with the following:

- a. There shall be not more than eighteen (18) dwelling units per building.
- b. No garden apartment building shall be in excess of three (3) stories in height.

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- c. Lot area per dwelling unit shall not be less than the area required by the district regulations when served by both public water and sanitary sewers.
- d. Where public sewer and water is not provided, the lot size shall be increased in area as required by applicable State and Township regulations governing on-lot disposal systems.
- e. All applicable provisions of this Ordinance.

6. Manufacturing

In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation for conformity to the requirements of this Ordinance, the following data shall be submitted with an application for a permit.

- a. Plot plan.
- b. Architectural Plan.
- c. Description of operation.
- d. Engineering and architectural plans for water supply and sewage disposal.
- e. Plans for prevention or control of noise, erosion control, vibration, glare, fire hazards, air pollution, water pollution, and traffic.
- f. Proposed fuel.
- g. Number of shifts and maximum employment per shift.
- h. Additional pertinent data as may be required by the Zoning Officer.
- i. Where two or more buildings are proposed, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance for action by the governing body.

7. Home Occupation

Home occupations are permitted as a conditional use subject to the following conditions:

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- a. The home occupation shall be carried on completely within the dwelling unit or accessory building.
 - b. Not more than one person other than the occupants of the dwelling unit shall be employed.
 - c. Not more than one-half (1/2) the floor area of a main building shall be devoted to home occupation.
 - d. Articles sold or offered for sale shall be limited to those produced on the premises.
 - e. There shall be no exterior display or sign (except as permitted in the regulation on signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
 - f. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
 - g. A home occupation may include, but is not limited to, a professional or a medical or osteopathic physician, dentist, pediatrician, chiropractor, lawyer, engineer, architect, artist, or teacher, dressmaker, beauty shops, or barber shops.
 - h. A home occupation shall not be interpreted to include a commercial stable or kennel.
8. Mining and Quarrying

Where permitted as a conditional use, mining and quarrying shall be subject to the following safeguards and regulations:

- a. Open excavations, pits, and quarries shall be enclosed with a fence of not less than six (6) feet in height.
- b. All pits or quarries below the grade of a lot or street line shall be more than one hundred (100) feet from any lot or street line.
- c. All rock crushers, cement plants, or other crushing, grinding, polishing, or cutting machinery or other physical or chemical processes for such treatment shall be operated or carried on in such a way so as not to create a hazard to health, safety, or welfare of the public by the emission of odor, dust, smoke, gas

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vibration, illumination, or noise beyond the limits of the premises on which such use is lawfully permitted.

- d. When deemed necessary for the protection of the public, the Planning Commission (or the governing body) may require the planting of hedge and/or erection of a fence. Any planting and/or fence shall be subject to approval of the Planning Commission (or the governing body).

9. Mobile Home Parks

In districts where permitted or where permitted as a conditional use, all mobile home parks hereafter erected must be laid out and improved in conformance with the Subdivision Ordinance for the Municipality.

10. Municipal Uses

In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation use.

11. Outdoor Recreation Areas - Private or Semi-Private

Where permitted as a conditional use, private or semi-private recreation areas shall be subject to the following conditions:

- a. The minimum lot area shall be not less than one (1) acre.
- b. Where two or more buildings or structures are proposed, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance.
- c. Where only one building or structure is proposed plans shall be submitted to the Zoning Hearing Board for review and approval.
- d. Such recreation use shall not be primarily for gain or profit.
- e. Parking shall be provided in accordance with the provisions of the Off-Street Parking Article XIV of this Ordinance.

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- f. Social and fraternal buildings shall be permitted only when incidental to and accessory to the primary use of the area.
- g. A buffer yard of not less than fifteen (15) feet nor more than thirty (30) feet in width as determined by the municipal agency responsible for approval for the specific use and a screen planting or fencing shall be provided at a height and type as approved by the responsible agency under item (a) and (b) above.

12. Swimming Pools, Private

Private swimming pools shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:

- a. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- b. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which located.
- c. Every outdoor swimming pool of permanent construction whether above or below ground shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than six (6) inches in any dimension; and if a picket fence is erected or maintained, the horizontal dimension of space between pickets shall not exceed six (6) inches.
- d. A dwelling or an accessory building may be used as part of such enclosure.
- e. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of the dwelling which forms a part of the enclosure need not be soequipped.
- f. The property or the immediate area in which any outdoor pool capable of containing water eighteen (18) inches or more in depth shall be completely surrounded by a fence, hedge or wall not less than four (4) feet in height which may be so constructed to have openings, holes, or gaps not larger than six (6) inches in a horizontal dimension. Should the wall of the pool be above ground, the height of the required fence may be reduced so that the total

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height of the wall of the pool and the fence shall be not less than (4) feet. When located in a required yard, any portion of the fence which exceeds four (4) feet in height shall have openings equal to fifty (50) percent or more of the area, over four (4) feet in height. When located in a required yard, such fence shall not exceed eight (8) feet in height.

13. Townhouses

In district where permitted all townhouses shall comply with the following:

- a. There shall be not less than twelve (12) units in a row.
- b. Lot area per dwelling unit shall not be less than the area required by the district regulations when served by both public water and sanitary sewer.
- c. When public water and sewer is not provided, the lot size shall be increased in area as required by applicable State municipal regulations governing on-lot disposal systems.
- d. All applicable provisions of this Ordinance.

14. Automobile or Gasoline Service Stations

In districts where permitted, service stations shall be subject to the following safeguards and regulations:

- a. Hereafter, no service station shall be located nearer than one thousand (1,000) feet to the lot line of any school, hospital, or nursing or convalescent home.
- b. Driveways shall be located as provided in the Article for Parking, Loading Areas and Access Drives.
- c. All driveways and service areas shall be paved with a surfacing material as approved by the municipality.
- d. Driveway areas and service areas shall be distinguished from sidewalk areas by painted lines.
- e. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.

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- f. Minimum frontage on an interior lot shall be not less than 125 feet and on a corner lot on a side street not less than 100 feet and the front street not less than 125 feet.
- g. Gasoline pumps shall be set not less than twenty (20) feet from any lot line, not less than thirty (30) feet from any residential zone boundary line, and shall be so located that vehicles stopped for service will not extend over the property line.

15. Prohibited Uses

- a. Dwellings in commercial and industrial districts. Hereafter, a building shall not be erected or converted in the commercial, industrial or flood plain districts established on the Zoning Map, for use as a dwelling unless that dwelling use is incidental to the principal use of the premises.
- b. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
- c. The following uses are prohibited in all districts throughout the municipality:
 - 1) The incineration, reduction, or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the municipality.
 - 2) Dumps and dumping of any kind unless by the authority of or under the supervision of the municipality.
 - 3) The stripping of top soil for sale, exclusive of the process of grading a lot preparatory to the construction of a building for which a zoning permit has been issued.
 - 4) Race tracks for stock cars, midget cars, and other motorized vehicle racing.

16. Public Utility Facilities

Public utility facilities shall be permitted in any district without regard to the use and area regulations, provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

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- a. Front, side, and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
- b. Height shall be as required by the district regulations.
- c. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height topped with barbed wire.
- d. Housed equipment - when the equipment is totally enclosed within a building no fence or screen planting shall be required, however, the yard areas shall be in conformity with the district in which the facility is located.
- e. Screen planting in Residential and C-N Districts - the required fence for unhoused equipment shall be surrounded by an ever-green planting as approved by the Planning Commission.
- f. The external design of the building shall be in conformity with the buildings in the districts.
- g. Access for unhoused equipment - where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than 50% solid in ratio to open space.
- h. Plans of the facility shall be submitted to the Planning Commission for review and approval.

17. Churches, Hospitals, Municipal Buildings, Schools, and Other Public and Semi-public Buildings

- a. In districts where permitted, these uses shall meet the following requirements:
 - 1) The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements but in no case shall the lot area be less than twenty thousand (20,000) square feet.
 - 2) Lot Coverage
 Lot area covered by all buildings including accessory buildings shall not be greater than thirty (30) percent of the area of the lot.

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3) Width Regulations

The lot width at the required building line shall be based on the building size, and yard requirements, but in no case shall the lot width be less than one hundred (100) feet in width.

4) Yard Regulations

Each lot shall have yards not less than the following depths or widths:

- a) Front yard depth, fifty (50) feet.
- b) Side yard - two (2) in number, width, not less than twenty (20) feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than fifty (50) feet in width.
- c) Rear yard depth, fifty (50) feet.

5) Heights

The height of a building shall be not more than thirty-five (35) feet, except as provided in Section B.1.

b. Off-Street Parking

Parking shall be provided in accordance with the provisions of Article XIV hereof. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception.

- 1) Service and access drives shall be at least fifteen (15) feet wide and not over twenty-five (25) feet wide and shall be permitted to cross required yard areas provided that the center line of the permitted drive shall not be a lesser angle to the street line than sixty (60) degrees.
- 2) If greater controls are established for the district in which these uses are to be located, such control or controls shall take precedent over any or all of the foregoing.

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- c. Existing structures cannot be remodeled, converted or otherwise used for schools, hospitals, churches or other public uses until such plans are presented to the Zoning Hearing Board together with approvals as may be necessitated by State and local law and rules and regulations of the Department of Labor and Industry, the State Department of Environmental Resources and others. If the Zoning Hearing Board finds any such plans and proposals are not in conflict with the intent and purposes of this ordinance, such uses may be permitted.

18. Camps, Lodges, Vacation Homes

- a. Camps shall be construed to mean permanent structures for seasonal use. Such uses would include, shelter during hunting and fishing seasons; vacation uses to include weekends and holidays; and similar periodic visits at any time of the year.
- b. Camp installations where permitted as a conditional use shall be subject to the following regulations:
 - 1) Minimum lot area, 20,000 square feet.
 - 2) Sanitary facilities (water supply and toilet installation) shall be subject to all rules and regulations of the Pennsylvania Department of Environmental Resources applicable thereto.
 - 3) Electrical service shall be subject to any local ordinances, and the regulations of the Public Utility Commission.
 - 4) A camp cannot be converted to a permanent dwelling unit unless it conforms to acceptable building, housing, electrical and plumbing codes. It must also meet all regulations (including minimum habitable floor area) set forth herein and applicable district regulations.
- c. Lodges, vacation homes and similar structures must conform to all building regulations, existing or hereafter enacted that apply to residential structures within the Township of Wiconisco.

These structures could be converted to year-round dwelling purposes.

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19. Uses Not Provided For

Whenever in any district established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

B. HEIGHT REGULATIONS

1. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located, except for those buildings which are controlled by a floor area ratio.
2. Height regulations shall not apply to spires, belfries, cupolas, penthouses, or domes not used for human occupancy, not to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, and ornamental or necessary mechanical appurtenances.
3. For all residential uses accessory buildings shall not exceed fourteen (14) feet in height.
4. No structure shall be hereafter erected less than one (1) story in height.

C. AREA REGULATIONS

1. Unless regulations of the district in which they are located require greater lot areas or lot widths, the following regulations shall apply:

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- a. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein; (See Article III , Section D, 4, b .) and, further, that the proposed sanitary sewer system and water system is approved by the Department of Environmental Resources.
- b. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

D. YARD REGULATIONS

1. Where the street or streets (or private road) upon which the lot abuts is less than fifty (50) feet in width, and front and side yards are required, the front yard depth and the width of the side yard abutting the street (or private road) shall be measured from a line parallel to and twenty-five (25) feet from the center line of the street (or private road).
2. Where the street or streets (or private road) upon which the lot abuts is less than fifty (50) feet in width, and front and side yards are not required, the front and side building lines shall be at least twenty-five (25) feet from the center line of the street (or private road).
3. Front Yards
 - a. When a vacant lot is situated between two (2) lots, each occupied by a principal building (within twenty-five [25] feet of the side lot line of such vacant lot) which extends into the front yard, the front yard of such vacant lot may be the average depth of the front yards of such two (2) adjacent occupied lots.
 - b. Where a vacant lot adjoins only one lot occupied by a principal building (within twenty-five [25] feet of the common side lot line) which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located.

However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.

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- c. An accessory building shall not be erected or substantially altered within any front yard.
- d. Parking shall not be permitted in front yards in Residential Districts.

4. Side Yards

- a. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.
- b. On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zone district, only one (1) single family dwelling may be erected, and side yards shall be provided according to the following requirements.
 - 1) On interior lots with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the district regulations.
 - 2) On corner lots with a width of fifty (50) feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
 - 3) On lots less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equalling twenty (20) percent of the lot width.
 - 4) On lots less than twenty-seven (27) feet but not less than twenty (20) feet in width, the building shall be sixteen (16) feet in width and only one (1) side yard shall be provided, equalling in width the difference between the lot width and sixteen (16) feet.

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- 5) On lots less than twenty (20) feet in width, a building shall be constructed at least 16 feet in width and if lot is 16 feet in width, then constructed to the full width of the lot.
- c. On a lot, in a commercial or industrial district, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zone district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under item B. above for residential structures.
 - d. An accessory building may be erected within one of the side yards or within the rear yard provided:
 - 1) Such accessory building shall be not less than ten (10) feet farther back (from the front lot line) than the rearmost portion of the main building.
 - 2) Where such side or rear yard is along an alley the accessory building shall be located not less than five (5) feet from the alley.
 - 3) When not constructed on the side or rear lot line, the accessory building shall be located not less than five (5) feet from such lot line.
 - 4) Where such side or rear yard is adjacent to another lot, the accessory building shall be not less than three (3) feet from any lot line.
 - 5) When an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.

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- 6) On a corner lot in any Residential District, an accessory building shall not be erected within thirty (30) feet of the exterior side lot line (street line), provided, however, that when the main buildings exist on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line, established by the existing main buildings.
- e. A carport, open on three (3) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than three (3) feet from the side lot line.

5. Buffer Yards

- a. Where a commercial or manufacturing use adjoins a residential district, and where a residential use adjoins a limited access highway, a buffer yard of not less than thirty (30) feet in width shall be provided along the lot lines, in addition to the yards required for the district in which it is located.
- b. All buffer yard areas shall be planted and maintained with a plant material and, in "C" and "M" districts, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
- c. In "R" districts, screen planting shall be planted and maintained in the required buffer yards.
- d. Buffer yards shall not be used for parking.
- e. Buffer yards other than interior side buffer yards may be crossed by access roads, service drives, and utility easements not more than thirty-five (35) feet in width, provided that the angle of the center line of the road, drive, or easement crosses the lot line and buffer yard at not less than sixty (60) degrees.
- f. If a front yard of thirty (30) feet or more in depth is provided, the buffer yard may coincide with the front thirty (30) feet of the front yard.

6. Projections in Yards

- a. Cornices, eaves, gutters, bay windows, or chimneys may project into the front, side, or rear yard of a lot, not more than twenty-four (24) inches.

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- b. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

Obstructions to Vision

- a. Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees, or other plant material shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- b. On corner lots, no walls, fence, sign, planting or other structure shall be maintained between a plane 3 1/2 feet above curb level and a plane 7 feet above curb level so as to interfere with traffic visibility across the corner within that part of the front or side yard which is within a distance of 25 feet in any direction of the intersection of any street right-of-way.

Fences and Walls

- a. Fences and walls may be erected, altered, and maintained within the yards, provided that any such fence or wall in the front yard shall not exceed three and one-half (3 1/2) feet in height, and any fence or wall in the side or rear yard may be six (6) feet or more in height, provided that any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
- b. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting, on all sides which face upon a lot in a more restricted zone.

COURTS

Courts shall conform to the following requirements:

1. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall

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open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.)

2. Outer Court

- a. The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows, except as provided in Article III , Section D , 4-b. 5).

However, when the depth of such court is less than six (6) feet the minimum width may be as little as twice the depth.

- b. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1-1/2) times the width.
- c. The width of an outer court shall be not less than two-thirds (2/3) the height of any opposing wall forming said court.

3. Inner Court

- a. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet for apartment buildings and not less than ten (10) feet for two-family dwellings.
- b. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross section area and headroom for the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

F. HABITABLE FLOOR AREA (See Definition)

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In the case of apartment houses, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartments shall each contain not less than one hundred fifty (150) square feet of habitable floor area.

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G. ILLUMINATION

- 1. The illumination of any sign shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.
- 2. The illumination of the exterior grounds of commercial and industrial establishment shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.

H. REDUCTION OF LOT DIMENSIONS

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater, than prescribed herein.

I. WASTE AND SEWAGE DISPOSAL

All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the appropriate agency (or Pennsylvania Department of Environmental Resources) shall be a prerequisite to the issuance of a zoning permit.

- 1. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation or which will destroy aquatic life, be allowed to enter any stream or water course.
- 2. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

J. PERFORMANCE STANDARDS

Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted except those specifically prohibited in the district regulations or general provisions, if adequate provisions, and safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written

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agreement, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions and safeguards.

K. DRAINAGE REGULATIONS

A building may be erected or used and a lot may be used or occupied only when in conformity with the following regulations:

1. Obstructions

The following shall not be placed or caused to be placed in a stream channel or open drainageway: fences except two-wire fences, other structure or matter which may impede, retard, or change the direction of the flow of water in such stream, or open drainageway, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream would carry the same down stream to the damage or detriment of either public or private property adjacent to the said stream, or open drainageway.

2. Structure Effect

Any structures permitted shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.

3. Structure Anchoring

Any structure permitted shall be firmly anchored to prevent the structure from floating away thus threaten life or property downstream or to further restrict bridge openings and other restricted sections of the stream or drainageway.

4. Private Sewage Disposal Systems

Private sewage disposal systems shall not be constructed within a stream or drainageway.

5. Municipal Liability

The granting of a zoning permit in any flood plain district shall not constitute a representative guarantee, or warranty of any kind or nature by the municipality or by an official or employee thereof of the practicability or safety of any structure use of other plan proposed, and shall create no liability upon, or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

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6. Installation of Fill Materials

Fill may be placed at and within the outer line of a modified stream or drainageway when approved as a special exception by the Zoning Hearing Board and subject to the following conditions:

- a. Satisfactory evidence shall be submitted to the Board indicating that the cross-sectional area of the modified stream or drainageway will not be significantly reduced.
- b. Satisfactory evidence shall be submitted to the Board indicating that there will be no adverse flooding conditions created by the proposed fill.
- c. Permission has been obtained for the proposed fill from the Division of Encroachments of the Water and Power Resources Board of the Pennsylvania Department of Environmental Resources pursuant to the State regulation of water obstructions.

7. State Regulations

All regulations of the Commonwealth of Pennsylvania governing stream encroachments shall remain in full force and effect. In cases of inconsistency with regulations of this Ordinance, the more restrictive provisions shall govern.

8. Reduction of Lot Area

Where the configuration of a stream and drainageway is such that minimum lot area or width regulations cannot be reasonably met, adjacent land within other districts may be applied to meet requirements.

In such cases, the largest lot area and width of the district involved shall apply. All other district regulations shall remain in force.

L. CONTROL OF TRAFFIC AND PROTECTION OF PUBLIC SAFETY

1. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

M. SPECIAL FLOOD PLAIN RESTRICTIONS

In all areas of the Township within the limits of the official Flood Hazard Boundary Map of the Township, no person shall construct or enter into substantial improvements of a structure within the flood plain area without first furnishing evidence to assure that the proposed construction (including prefabricated and mobile homes):

- a. is protected against flood damage
- b. is designed (or modified) and anchored to prevent floatation collapse or lateral movement of the structure.
- c. uses construction materials and utility equipment that are resistant to flood damage.
- d. uses construction methods and practices that will minimize flood damage.

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ARTICLE IV

NONCONFORMING BUILDINGS AND USES

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

A. CONTINUATION

1. The Zoning Officer shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Ordinance and issue a Certificate of Nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use.

B. BUILDING PERMIT

Where a building permit has been issued ninety (90) or more days, prior to the effective date of this Ordinance and the proposed building or use does not conform to the requirements of this Ordinance, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Article.

Where a building permit has been issued less than ninety (90) days prior to the effective date of this Ordinance and the proposed building or use does not conform to the requirements of this Ordinance, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Article, only if at least one of the following conditions has been met prior to the effective date of this Ordinance:

1. Construction other than excavation has been started.
2. A contract for construction other than excavation has been let.

C. ALTERATIONS

1. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.

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D. EXTENSIONS OR ENLARGEMENTS

1. The types of extension and enlargement listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance.
 - a. The extension of a nonconforming use of land upon a lot occupied by such use.
 - b. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - c. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - d. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or use shall be subject to the following conditions:
 - a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located.
 - b. The entire building or use shall be provided with off-street parking and loading spaces as required by Article XIV, entitled "Off-Street Parking".
 - c. The extension or enlargement does not replace a conforming use.
 - d. The extension or enlargement of the nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of existing and occupied on the effective date of this Ordinance. Where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.
 - e. A nonconforming use may be changed to another nonconforming use of the same or more-restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

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E. DISCONTINUANCE

If a nonconforming use of land or building ceases operations for a continuous period of more than Twelve (12) Months, then such use and any subsequent use of land or building shall conform to the regulations of this Ordinance.

F. NON-CONFORMING SIGNS

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in the regulations in Section E above and in Article XIII, Section D and E.

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ARTICLE V

DESIGNATION OF DISTRICT

A. ZONE DISTRICTS

For the purpose of this Ordinance the Township is hereby divided into districts which shall be designated as follows:

"O-S"	-	CONSERVATION DISTRICT
"S"	-	SLOPE DISTRICT
"R-SC"	-	RESIDENTIAL DISTRICT - Single Family - Country
"R-MT"	-	RESIDENTIAL DISTRICT - Multi-Family - Town
"R-MH"	-	RESIDENTIAL DISTRICT - Mobile Home
"C-N"	-	COMMERCIAL DISTRICT - Neighborhood
"C-H"	-	COMMERCIAL DISTRICT - Highway
"M-G"	-	MANUFACTURING DISTRICT - General

B. ZONING MAP

The boundaries of the districts shall be as shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

C. BOUNDARIES BETWEEN DISTRICTS

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, railroad, right-of-way, lot lines, or such lines extended, or lines parallel thereto.

Where district boundaries approximate the location of the above lines, they shall be construed to be on those lines.

Where figures are shown on the Zoning Map between a street, alley, railroad, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

Where district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Zoning Map.

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D. INTERPRETATION OF BOUNDARIES

When a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty (50) feet beyond the district boundary line.

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ARTICLE VI

"O-S" CONSERVATION DISTRICTS

In the O-S, Conservation District, the following regulations shall apply:

A. USES PERMITTED

1. Public conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
2. Public parks and recreation areas, game refuges and similar non-intensive uses.
3. Public utility and communications buildings and structures where operation requirements necessitate locating within the district.
4. Uses and buildings customarily accessory and incidental to any of the above permitted uses.
5. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.
6. Signs pertaining to a use conducted within the building or the lot or appertaining to the lease or sale of the property or identifying the use or building on the property when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."

B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III, Section A of this Ordinance.

1. Camps (Type 1 and 2 see definitions), Lodges and Vacation Homes.
2. Mining, Quarrying and Natural Production Uses.
3. Outdoor Recreation Areas Private or Semi-Private, game and wildlife hunting and gun clubs.
4. Single-family detached dwellings.

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C. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall be not less than one (1) story.

D. AREA REGULATIONS

The lot area and lot area per dwelling unit shall be not less than one (1) acre.

The minimum lot area for all permitted uses other than the permitted residential use, except for public utility facilities, shall be not less than four (4) acres.

E. WIDTH REGULATIONS

The lot width at the required front building line shall be not less than one hundred fifty (150) feet, except for public utility facilities.

F. YARD REGULATIONS

Each lot shall have front, side and rear yards of not less than the depth and width indicated below:

1. Front yard depth - fifty (50) feet.
2. Side yards (2) - width, fifty (50) feet each on interior lots. On corner lots, the side yard abutting the street shall be not less than fifty (50) feet in width.
3. Rear yard depth - fifty (50) feet.

G. COVERAGE REGULATIONS

The coverage shall be no more than twenty (20) percent.

At least sixty (60) percent of the lot shall be covered with vegetative material.

H. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

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ARTICLE VII

"S" SLOPE DISTRICT

In the S, Slope District, the following regulations shall apply:

A. USES PERMITTED

1. Areas for the preservation of natural amenities.
2. Forest production but not including structures other than those necessary to remove the timber from the slopes.
3. Mobile home as a single-family detached dwelling.
4. Municipal buildings and government institutions and uses.
5. Public and Semi-Public conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
6. Public parks and recreation areas, game refuges and similar non-intensive uses.
7. Public utility and communications buildings and structures where operation requirements necessitate locating within the district.
8. Single-family detached dwellings.
9. Signs pertaining to a use conducted within the building or the lot or appertaining to the lease or sale of the property or identifying the use or building on the property when erected or maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."
10. Uses and buildings customarily accessory and incidental to any of the above permitted uses.
11. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.

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B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III, Section A of this Ordinance.

1. Camps (Type 1 and 2 see definitions), Lodges and Vacation Homes.
2. Home occupation.
3. Mining, Quarrying and Natural Production Uses other than Forest Production.
4. Outdoor Recreation Areas - Private or Semi-Private game and wildlife hunting and gun clubs.

C. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall be not less than one (1) story.

D. AREA REGULATIONS

The lot area and lot area per dwelling unit shall be not less than one (1) acre. The minimum lot area for all permitted uses other than the permitted residential use, except public utility facilities, shall be not less than three (3) acres.

E. WIDTH REGULATIONS

The lot width at the required front building line shall be not less than one hundred fifty (150) feet.

F. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth of width indicated below:

1. Front yard - depth, fifty (50) feet.

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2. Side yards (2) - width, fifty (50) feet each.
3. Rear yard - depth, fifty (50) feet.

G. COVERAGE REGULATIONS

The coverage shall be no more than twenty (20) percent.

At least sixty (60) percent of the lot shall be covered with vegetative material.

H. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

Zoning Ordinance

ARTICLE VIII

"R-SC" RESIDENTIAL DISTRICT

Single-Family — Country

In the R-SC, Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single-family detached dwellings.
2. Churches or similar places of worship, parish houses, convents.
3. Country clubs and golf courses.
4. Hospitals and sanitariums.
5. Municipal buildings, public libraries, museums, and firehouses.
6. Planned Residential Development in accordance with Article XIII.
7. Public and private schools including colleges and institutions of higher education.
8. Public parks, playgrounds, and municipal recreation areas.
9. Public utility and communications buildings and structures where operation requirements necessitate locating within the district.
10. Signs when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."
11. The tilling of the soil, the raising of crops, fruits, and vegetables, greenhouses and nurseries.
12. Uses and buildings customarily accessory and incidental to any of the above permitted uses.
13. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.

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B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III, Section A of this Ordinance.

1. Animals and Poultry.
2. Clubs, Lodges and Fraternal Organizations.
3. Home occupations.
4. Medical or Dental Clinical Buildings.
5. Outdoor Recreation Areas - Private or Semi-Private.
6. Mobile homes as single-family detached dwellings within an approved mobile home park.

C. USES BY SPECIAL EXCEPTION

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board after review by the Planning Commission.

1. Apartments (conversion).
2. Dwelling groups.

D. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall be not less than one (1) story.

E. AREA REGULATIONS

The lot area per dwelling unit shall be not less than twenty thousand (20,000) square feet.

For other permitted uses see Article III.

F. WIDTH REGULATIONS

For a dwelling the lot width at the required front building line shall be not less than one hundred (100) feet on an interior lot and one hundred thirty-five (135) feet on a corner lot.

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G. YARD REGULATIONS

Each residential lot shall have front, side, rear yards of not less than the depth and width indicated below:

1. Front yard - depth, fifty (50) feet.
2. Side yards (2) - width, fifteen (15) feet each in an interior lot. On a corner lot, the side yard abutting the street shall be not less than fifty (50) feet in width.
3. Rear yard - depth, fifty (50) feet.

For other permitted uses see Article III.

H. COVERAGE REGULATIONS

The coverage shall be no more than thirty (30) percent.

I. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

Zoning Ordinance

ARTICLE IX

"R-MT" RESIDENTIAL DISTRICT

Multi-Family — Town

In the R-MT, Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings.
3. Single-family attached dwelling (row houses) (town houses) (quadruplex).
4. Two-family detached dwellings (duplex dwellings).
5. Two-family semi-detached dwellings (double duplex dwellings).
6. Garden Apartment (See Article III).
7. Apartment dwellings when the building is constructed on the basis of a floor area ratio of not more than four-tenths (0.4).
8. Lodging and boarding houses.
9. Churches or similar places of worship, parish houses, convents.
10. Hospitals and sanitariums.
11. Municipal buildings, public libraries, museums, and firehouses.
12. Public and private schools including colleges and institutions of higher education.
13. Public parks, playgrounds, and municipal recreation areas.
14. Public utility and communications buildings and structures where operation requirements necessitate locating within the district.

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15. Signs when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."
16. The tilling of the soil, the raising of crops, fruits and vegetables, greenhouses and nurseries.
17. Uses and buildings customarily accessory and incidental to any of the above permitted uses.
18. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.

B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III, Section A of this Ordinance.

1. Clubs, Lodges and Fraternal Organizations.
2. Home occupations.
3. Medical and Clinical Buildings
4. Outdoor Recreation Areas - Private or Semi-Private.

C. USES BY SPECIAL EXCEPTION

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board after review by the Planning Commission.

1. Apartments (conversion)
2. Dwelling Groups

D. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet, except for apartments, in which case the floor area ratio shall control.

The height of a dwelling shall be not less than one (1) story.

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E. AREA, WIDTH AND COVERAGE REGULATIONS

The lot area per dwelling unit and lot width at the required front building line shall be not less, and the coverage shall be no greater, than indicated below:

	<u>Lot Area per Dwelling Unit</u> (square feet)	<u>Lot Width</u>		<u>Cover- age</u>
		<u>Interior</u> (feet)	<u>Corner</u> (feet)	
Single-family detached	5,000	50	65	30%
Single-family semi-detached	3,000	30	45	30%
Single-family attached	2,000 ⁽¹⁾	20	45	50%
Two-family detached	2,500	50	65	30%
Two-family semi-detached	1,500	30	45	30%
Garden Apartments	2,000	--	--	30%
Apartments	1,500	--	--	---

(1) The lot area for corner lots abutting a street shall be 4,500 square feet to permit the twenty-five (25) foot side yard required under F-2 below.

For other permitted uses the lot area, width and coverage shall be as required in Article III.

F. YARD REGULATIONS

Each residential lot shall have front, side, and rear yards of not less than the depth and width indicated below:

1. Front yard - depth, twenty-five (25) feet for all categories except apartment dwellings.
2. Side yard or yards - width, ten (10) feet each, for all categories, except for apartment dwellings or attached dwellings, on interior lots.

On a corner lot the side yard abutting the street shall be not less than twenty-five (25) feet in width.

3. Rear yard - depth, twenty-five (25) feet for all categories except apartment dwellings.
4. For apartment dwellings of one or two storeys, there shall be a front yard, two (2) side yards, and a rear yard each of not less than twenty-five (25) feet. For each story over two (2), five (5) feet of width or depth shall be added to each yard.

For other permitted uses see Article III.

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G. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

ARTICLE IX -A

"R-MH" RESIDENTIAL DISTRICT

MOBILE HOME

In the R-MH, Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Mobile Homes as a single-family detached dwelling.
2. All uses permitted in the R-MT, Residential District, Article 9, Section A.

B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III, Section A of this Ordinance.

1. Clubs, Lodges and Fraternal Organizations.
2. Home occupations.
3. Outdoor Recreation Areas - Private or Semi-Private.

C. USES BY SPECIAL EXCEPTION

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board after review by the Planning Commission.

1. Apartment (conversion)

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D. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet, except for apartments, in which case the floor area ratio shall control.

The height of a dwelling shall be not less than one (1) story.

E. AREA, WIDTH AND COVERAGE REGULATIONS

The lot area per dwelling unit and lot width at the required front building line shall be not less, and the coverage shall be no greater, than indicated below:

	Lot Area per Dwelling Unit (square feet)	Lot Width		Cover- age
		Interior (feet)	Corner (feet)	
Single-family detached	5,000	50	65	30%
Single-family semi-detached	3,000	30	45	30%
Single-family attached	2,000 ⁽¹⁾	20	45	50%
Two-family detached	2,500	50	65	30%
Two-family semi-detached	1,500	30	45	30%
Garden Apartments	2,000	--	--	30%
Apartments	1,500	--	--	---

(1) The lot area for corner lots abutting a street shall be 4,500 square feet to permit the twenty-five (25) foot side yard required under F-2 below.

For other permitted uses the lot area, width and coverage shall be as required in Article III.

F. YARD REGULATIONS

Each residential lot shall have front, side, and rear yards of not less than the depth and width indicated below:

1. Front yard - depth, twenty-five (25) feet for all categories except apartment dwellings.
2. Side yard or yards - width, ten (10) feet each, for all categories, except for apartment dwellings or attached dwellings, on interior lots.

On a corner lot the side yard abutting the street shall be not less than twenty-five (25) feet in width.

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3. Rear yard - depth, twenty-five (25) feet for all categories except apartment dwellings.
4. For apartment dwellings of one or two storeis, there shall be a front yard, two (2) side yards, and a rear yard each of not less than twenty-five (25) feet. For each story over two (2), five (5) feet of width or depth shall be added to each yard.

For other permitted uses see Article III.

G. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

Zoning Ordinance

ARTICLE X

"C-N" COMMERCIAL DISTRICT

Neighborhood

In the C-N, Commercial District, the following regulations shall apply:

A. USES PERMITTED

1. All uses permitted in any Residential District, provide a residential use shall be permitted only when accessory and incidental to one or more of the following uses.
2. Automobile service stations.
3. Banks, business and professional offices.
4. Electric and telephone public utility transmission and distribution facilities, including substations, water pumping stations, and reservoirs.
5. Mortuary and undertaking establishments.
6. Municipal buildings or uses.
7. Personal service shops, including barbers, beauty parlors, tailors, shoe repair, and dry cleaning.
8. Private schools conducted for gain or profit.
9. Railway or bus passenger stations, telegraph offices, and express offices.
10. Restaurants, tea rooms, cafes, and other places serving food or beverages.
11. Stores for the retailing of food, drugs, confectionary, hardware, bakery products, clothing, household appliances, flowers, and house plants.
12. Business identification signs when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."

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13. Other uses similar to those enumerated above.
14. Accessory buildings and uses customarily incidental to the above uses.

The above specified stores, shops and businesses shall be retail establishments exclusively and shall be permitted only under the following conditions:

- a. Such stores, shops, or business, except those permitted in paragraphs 2, 4, 6, above, shall be conducted within an enclosed building.
- b. Such uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or similar cause.

B. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall not be less than one (1) story.

C. AREA REGULATIONS

The lot area shall be determined on the basis of yard requirements, coverage, parking and buffer yard requirements contained in this Article and Ordinance.

D. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard - depth, sixty (60) feet (not required).
2. Side yards (2) - width, ten (10) feet each side of a principal building provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownerships. In the case of a series of abutting structures abutting and paralleling a public right-of-way, and open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width, shall be provided at grade level at intervals of not more than four hundred (400) feet.

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3. Rear yard - depth, thirty (30) feet.

Buffer yards shall be provided in accordance with the provisions of Article III appearing herein entitled General Provisions, Yard Regulations.

E. COVERAGE REGULATIONS

The coverage shall be no more than forty (40) percent.

At least ten (10) percent of the lot area shall be covered with a plant material.

F. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

Zoning Ordinance

ARTICLE XI

"C-H" COMMERCIAL DISTRICT

Highway

In the C-H, Commercial District, the following regulations shall apply:

A. USES PERMITTED

1. All uses permitted in a Residential District, provided a residential use shall be permitted only when accessory and incidental to one or more of the following permitted uses.
2. Automobile service stations, car wash, automobile and mobile home sales garage, automobile sales lot, food supermarket, restaurants, taverns, and other dining establishments, launderette, residential hotels, motels, and tourist homes.
3. Business identification signs when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."
4. Electric and telephone public utility transmission and distribution facilities, including substations, water pumping stations, and reservoirs.
5. Municipal buildings, municipal uses, and firehouses.
6. Other uses similar in character to those enumerated above.
7. Accessory uses and buildings customarily incidental to the above permitted uses.

The above specified stores, shops and businesses shall be retail establishments exclusively and shall be permitted only under the following conditions:

- a. Such uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
- b. There shall be no manufacture, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and when all such products are sold at retail on the premises.

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B. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall be no less than one (1) story.

C. AREA REGULATIONS

The lot area shall be determined on the basis of yard requirements, coverage, parking and buffer yard requirements contained in this Article and Ordinance.

D. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below.

1. Front yard - depth, sixty (60) feet (not required).
2. Side yards (2) - width, ten (10) feet each side of a principal building, provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership. In the case of a series of abutting structures abutting and paralleling a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width, shall be provided at grade level at intervals of not more than four hundred (400) feet.
3. Rear yard - depth, thirty (30) feet.

Buffer yard shall be provided in accordance with the provisions of Article III appearing herein entitled General Provisions, Yard Regulations.

E. COVERAGE REGULATIONS

The coverage shall be no more than sixty (60) percent.

At least ten (10) percent of the lot area shall be covered with a plant material.

F. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

Zoning Ordinance

ARTICLE XII

"M-G" MANUFACTURING DISTRICT

General

In the M-G, Manufacturing District, the following regulations shall apply:

A. USES PERMITTED

1. Automobile service stations, automobile sales, trailer coach sales, service garages, auto sales lots, automobile assembling, auto body shops, painting, upholstery reconditioning, vehicle repair or overhauling, tire retreading or recapping, welding shops and the like.
2. Auto wrecking and junk establishments.
3. Brick, pottery, tile, or terra cotta manufacture.
4. Bottling works and bookbinding.
5. Building materials storage, lumber yards, and lumber mills.
6. Blacksmith and machine shops, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
7. Carpenter, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, plumbing, gas, steam, or hot water fitting shops.
8. Contractor's equipment, sales, service and storage.
9. Mixing plant for concrete.
10. Cleaning, dyeing, and steam laundry.
11. Freight terminal and freight yards.
12. Metal fabrication and forging.
13. Gas (illuminating or heating) manufacture and storage.
14. Grain elevator and bulk storage of petroleum and similar products.

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15. Railroad yards and truck terminals.
16. Electric power stations, electric and telephone public utility transmission.
17. Laboratories and lithographing.
18. Laundries, cleaning, dyeing, carpet and rug cleaning.
19. Distribution plants, parcel delivery, and service industries.
20. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fat and oils.
21. The manufacturing, compounding, assembling, or treatment of articles of 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.
22. The manufacturing of pottery and figurines or other similar ceramic products, using only clay, and kilns fired only by electricity or gas.
23. Printing and newspaper publishing.
24. Electrical, optical and textile manufacturing.
25. Mining and quarrying.
26. Municipal buildings, municipal uses and firehouses.
27. Wholesale business, welding shops, warehouses, and cold storage plants.
28. Customary agricultural operations, farming, nurseries and greenhouses, riding academies, livery or boarding stables, dog kennels, and animal hospitals subject to the regulations provided herein.
29. Business identification billboards and signs when erected and maintained in accordance with the provisions of Article XV appearing herein entitled "SIGNS."

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30. Junk yards which comply with the Township Junk Yard Ordinance and all other applicable requirements of this Ordinance and the Township Subdivision and Land Development Ordinance as well as State and Federal requirements.
31. All uses similar to the above and not otherwise prohibited by law.
32. Accessory buildings and uses customarily incidental to the above uses. However, no building, structure or portion thereof shall be hereafter erected, structurally altered, or converted for any use permitted in any residential district except accessory buildings which are incidental to the use of the land.

The above uses are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter, or water carried waste.

B. HEIGHT REGULATIONS

The height of a building shall be not greater than thirty-five (35) feet.

The height of a dwelling shall be not less than one (1) story.

C. AREA REGULATIONS

The lot area shall be not less than one (1) acre and lot width shall be not less than one hundred fifty (150) feet at the building line.

D. YARD REGULATIONS

Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

1. Front yard - depth, sixty (60) feet (not required).
2. Side yards (2) - width, ten (10) feet each side of a principal building, provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more manufacturing uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership. In the case of a series of abutting structures abutting and paralleling a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width, shall be provided at grade level at intervals of not more than four hundred (400) feet.
3. Rear yard - depth, thirty (30) feet.

Buffer yards shall be provided in accordance with the provisions of Article III appearing herein entitled General Provisions, Yard Regulations.

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E. COVER AGE REGULATIONS

The coverage shall be no more than sixty (60) percent.

At least ten (10) percent of the lot area shall be covered with a plant material.

F. OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING."

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ARTICLE XIII

PLANNED RESIDENTIAL DEVELOPMENT

A. STATEMENT OF INTENT

1. Pursuant to Article VII, Pennsylvania Municipalities Planning Code (Act 247), the intent of this Article is to provide, in the case of planned projects consisting of fifteen (15) acres or more, an added degree of variety and flexibility in the placement bulk and interrelationship of the buildings and uses within the planned project and the implementation of new design concepts while, at the same time, maintaining the overall intensity of use, density of population and amounts of light, air, access and open space as specified by this Ordinance.
2. The land uses, housing types, minimum lot areas, yards, heights and accessory uses shall be determined by the requirements and procedures set out below, or as referred to in other Articles of this Ordinance or as referred to in certain Articles of the "Subdivision and Land Development Ordinance."
3. Whenever the requirements as set forth in this Article conflict with the requirements of other Articles contained in this Ordinance or those of the Subdivision and Land Development Ordinance, the provisions of this Article shall control.

B. APPLICATION FOR TENTATIVE APPROVAL: PROCEDURE AND SPECIFICATIONS1. Tentative Approval: Procedure

- a. The applicant, nine (9) days prior to the meeting of the Township Supervisors at which consideration is desired, shall file six (6) copies of a plan of the proposed Planned Residential Development together with the supporting information listed under Section B-2 (specification) below.

The applicant shall also submit concurrently a copy of the plan to the Planning Commission of the municipality in which the Planned Residential Development is located.

- b. The Township Supervisors may submit copies of the plan to the Engineer, Public Utilities, the Dauphin County Soil and Water Conservation District, County Planning Commission and other Public Agencies for advice and comment as part of the Municipal review.

- c. The Township Supervisors shall hold a public hearing thereon, pursuant to public notice, within sixty (60) days after the filing of the application. The Township Supervisors may continue the hearing from time to time, provided, however, that in any event the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- d. The Township Supervisors, within thirty days following the conclusion of the public hearing provided for in this Article, shall, by official written communication, to the landowner, either:
 - 1) Grant tentative approval of the development plan as submitted;
 - 2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - 3) Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty days after receiving a copy of the official written communication of the Township Supervisors notify such Township Supervisors of his refusal to accept all said conditions, in which case, the Township Supervisors shall be deemed to have denied tentative approval of the development plan.

In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- e. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of facts related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

- 1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
 - 2) The extent to which the development plan departs from zoning and/or subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - 3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - 4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provided adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - 5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - 6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- f. In the event a development plan is granted tentative approval, with or without conditions, an application for final approval of the development or portion thereof shall be filed not later than six (6) months. In the case of a development plan which provides for development over a period of years, applications for final approval of each additional part of the plan shall be filed within twelve (12) months of the previous application for final approval of a portion of the development.
- g. The official written communication provided for in this Article shall be mailed by the secretary of the Township Supervisors or the Township Solicitor to the landowners and a copy thereof

shall be filed in the office of the Township of Wiconisco.

Where tentative approval has been granted, they shall be recorded on the municipal zoning map.

- h. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, shall not be modified or revoked nor otherwise impaired by action of the Township of Wiconisco pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in case of development over a period of years, provided applications are filed, within the periods of time specified above and noted in the official written communication granting tentative approval.
- i. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify Township Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period time, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and same shall be noted on the municipal zoning map and in the records of the secretary of the Township Supervisors.

2. Tentative Approval: Plan Specifications

The applicant shall submit, for review by the Township Supervisors and the Planning Commission, a plan drawn on a map of the property showing the following information, together with the supporting information and documentation listed below:

- a. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of municipality;
- b. The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

- c. The density of land use to be allocated to parts of the site to be developed;
- d. The location and size of the common open space;
- e. The form of organization proposed to own and maintain the common open space;
- f. The use and the approximate height, bulk and location of buildings and other structures;
- g. The feasibility of proposals for the disposition of sanitary wastes and storm water, including a Plan Revision Module for Land Development for submission to the Department of Environmental Resources;
- h. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- i. The provisions for parking of vehicles and the location names, width of right-of-ways, width of cartway, and paving of proposed streets and easements in accordance with the Design Standards of the municipality's Subdivision and Land Development Ordinance;
- j. In the case of development plans which call for development over a period of years, a schedule showing the proposed time within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- k. The location, size and type of planting for buffer yards;
- l. The location and size of areas to be set aside for schools, parks, recreation or other public purposes;
- m. A copy of a report on Soil Characteristics of the site prepared by the County Soil and Water Conservation District so that the Commission may determine the type and degree of development the site may accommodate because of the limitation of soil as related to basement and foundation constructions, street and parking area construction and grading condition;
- n. A plan for minimizing erosion as outlined in the Subdivision and Land Development Ordinance of the Township of Wiconisco,

- o. The location and types of erosion and sediment control measures prepared;
- p. A profile of each street, including grades;
- q. Location of existing and proposed utility mains;
- r. Location plans of proposed sanitary, storm water and any proposed water distributor system;
- s. Location and plans of the proposed Sewage Treatment Plant and Water Supply Plant;
- t. A profile of the proposed sanitary and storm sewers and water lines, with invert elevations, and connections to existing systems;
- u. A copy of the report from the County Conservation District indicating the extent of Erosion Control Plans needed and whether in his opinion a permit for earth moving activity may be required from the Department of Environmental Resources. (See Section 406-1-b of the Subdivision and Land Development Ordinance.)
- v. Evidence in writing, where one hundred (100) or more dwelling units are proposed in the development, from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development;
- w. A copy of a report, where one hundred (100) or more dwelling units are proposed in the development, indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development and possible solutions to such problems as may be thereby identified.
- x. A copy of a report, where one hundred (100) or more dwelling units are proposed in the development, indicating the general arrangement for storm water drainage, the estimated volume of water to be generated and the effect of such volumes on the drainageways or streams within the development and that projected volumes can be accommodated by the existing drainage facilities or streams beyond the proposed development.
- y. A copy of a report, where one hundred (100) or more dwelling units are proposed in the development, indicating the general arrangement for water supply including the location, source, type

and capacity of the proposed supply to serve the proposed development signed by a registered engineer.

C. APPLICATION FOR FINAL APPROVAL: PROCEDURE AND SPECIFICATIONS

1. Application

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township Supervisors within the time (six months) specified by this ordinance and indicated in official written communication granting tentative approval.

The application shall include any drawings, specifications, covenants, easements, performance bonds, approved plan Revision Module for Land Development and such other requirements as may be specified by this Ordinance and the Subdivision and Land Development Ordinance for a Final Plat as well as any other conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

2. Final Approval Procedure

- a. The applicant not later than six (6) months after the date of tentative approval of the planned residential development and nine (9) days prior to the meeting of the Township Supervisors at which consideration is desired, shall file three (3) reproducible (or other reproducible material of equal quality) copies and three (3) prints and an application for final approval with the Township Supervisors.

In the case of development plans which provides for development over a period of years applications for final approval of each part of a plan shall be filed not later than twelve (12) months after each previous application for final approval of a portion of the development.

- b. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communications of tentative approval, the Township Supervisors

shall, within thirty days of such filing, grant such development plan final approval.

- c. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Supervisors may refuse to grant final approval and shall within thirty days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
- 1) Refile his application for final approval without the variations objected, or
 - 2) File a written request with the Township Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative approval. Within thirty days after the conclusion of the hearing, the Township Supervisors shall by official written communication either grant or deny final approval to the development plan which communication shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.
- d. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township Supervisors and shall be filed on record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending

completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner, and the Township.

- e. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within one year after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the municipal zoning ordinance.

3. Specifications of Plan for Final Approval

The applicant shall submit for review by the Township Supervisors and the Planning Commission a plan with the following information:

- a. On reproducible linen, or other reproducible material of equal quality 30 " x 30 " in size at a scale of 1" = 100', primary control points, approved by the Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- b. Tract boundary lines, right-of-way lines of streets, easements, and other right-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.
- c. Name and right-of-way width of each street or other right-of-way.
- d. Location, dimensions, and purpose of easements.
- e. Number to identify each lot and/or site when applicable.
- f. Purpose for which sites other than residential lots are dedicated or reserved.
- g. Building setback lines on all lots and other sites.

- h. Location and description of survey monuments. All permanent reference monuments shown by an "X" on the plat.
- i. Names of record owners of adjoining unplatted land.
- j. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- k. Certification by a registered surveyor or registered engineer, licensed in the State of Pennsylvania, certifying to accuracy of survey and plat.
- l. Certification of title showing that applicant is the owner of land, agent of the landowner or tenant with permission of the landowner.
- m. Statement by owner dedicating streets, right-of-way and any sites for public uses which are to be dedicated.
- n. Proposed Protective Covenants running with the land, if any.
- o. Proposed contours at vertical intervals of five (5') feet or less as required by the Commission.
- p. The location and types of erosion and sediment control measures.
- q. Other Data: The plat shall be accompanied by the following data in form prescribed by the Township Supervisors:
 - 1) Profiles of streets and alleys showing grades.
 - 2) Typical Cross Sections of each type of street, minor street, collector, etc. showing the width of right-of-way, width of cartway, location and width of sidewalks, if required, and location and size of utility mains.
 - 3) Plans and profiles of proposed sanitary, and storm water sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - 4) A Final Erosion and Sedimentation Control Plan, showing the location and types of erosion and sediment control measures together with a report, signed by the County Conservation District, indicating that the plan has been

prepared and reviewed as required by "The Clean Streams Law of Pennsylvania" Act 222, July 31, 1970, as amended.

- 5) A copy of an application for a permit for earth moving activity or a permit issued and signed by the Department of Environmental Resources as required by the Rules and Regulations, Chapter 102, "Erosion Control," under P.L. 1987, June 22, 1937, as amended.
- 6) A copy of the sewage "Plan Revision Module for Land Development" approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Section 71.16 of Chapter 71 of Title 25 of the Pennsylvania Code.
- 7) Such other certificates, affidavits, endorsements, or dedications as may be required by the Township Supervisors in the enforcement of these regulations.

D. PERMITTED USES AND DEVELOPMENT STANDARDS

1. Permitted Uses

- a. Permitted Residential Uses: (a) Single family, detached, (b) Single family, semi-detached, (c) Single family, attached (Town houses), (Row houses), (Quadruplex houses), (d) Two family, detached, (e) Two family, semi-detached, (f) Multi-family, (g) Garden Apartments and (h) High rise apartments.
- b. Permitted Non-Residential Uses: (a) Retail stores and shops, (b) Restaurants, delicatessens and cocktail lounges, (c) Pharmacies or drug stores, stationery book, tobacco and news media purveyors, (d) Self-service laundry and dry cleaning and pick-up stations, (e) Barber shops and beauty shops, (f) Business and professional offices, (g) Banks and financial institutions, and (h) Garden centers and flower shops.

2. Density

- a. The density of dwelling units per acre for the total acreage within the Planned Residential Development shall not exceed the density requirements for specific dwelling types of the district within which the Development is proposed.

- b. In the case of district which have densities which vary, based on housing types permitted in the district, the overall density shall be calculated to determine the average number of dwelling units per acre based on the lot area per dwelling unit for each type per acre.
- c. A minimum of thirty (30%) percent of all dwelling units shall be single family detached dwelling units, and there shall be a variety of types of dwelling units with a minimum of three types of dwelling units as designated in Section D-1-a above. Of the remaining types of dwelling units, other than the single family detached dwelling units, not less than twenty (20%) percent of the total number of dwelling units shall be permitted for any single type.
- d. Maximum dwelling units per structure not exceeding two (2) stories in height shall be twelve (12).
- e. Maximum dwelling units per structure not exceeding three (3) stories in height shall be eighteen (18).

3. Setbacks

All structures shall be set back from public right-of-way lines not less than fifty (50') feet and not less than fifty (50') feet from the center line of private streets and not less than fifty (50') feet from all adjacent property lines to the Planned Residential Development tract.

4. Building Height

No building shall be erected to a height in excess of thirty-five (35') feet provided, however, that this height limit may be increased one foot for each additional foot that the width of each yard exceeds the minimum required.

5. Interior Yards

Interior yards and/or structural spacing shall be provided in accordance with the following schedule:

(see Note)	1 Dwelling Unit Per Structure	2 Dwelling Units Per Structure	12 Dwelling Units Per Structure	18 Dwelling Units Per Structure	Over 18 Dwelling Units Per Structure
to F	70'	70'	70'	70'	Same as 18 dwelling units except as indicated in 4. above.
F to S	50'	50'	50'	55'	
F to R	70'	70'	70'	70'	
to R	30'	30'	30'	35'	
S	15'	20'	25'	30'	
to R	50'	50'	50'	50'	
to C	10'	10'	10'	20'	

Note: F = Front; S = Side; R = Rear; C = Center.

6. Vegetative Cover

At least fifty (50%) percent of the gross area of the Planned Residential Development shall be maintained with a vegetative material.

7. Common Open Space

a. Common open space areas not dedicated to the general public shall be held in corporate ownership by private owners of the lots or parcels of land in the planned residential development area; and the developer shall incorporate into the deeds of the owners an interest in such common open space, indicating the use to be made of such common open space and providing a means of permanent maintenance of this common space. All common open space areas which, in the opinion of the Township of Wiconisco, should be developed as recreation areas shall be improved or assured by means of a proper completion guarantee in the form of a bond or a deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, prior to final plan approval of the planned residential development or section thereof as estimated by the municipality's Engineer, by the developer in a manner acceptable to the Township of Wiconisco prior to final plan approval of the planned residential development or section thereof.

b. Recreation Areas

- 1) Three (3) acre of playgrounds or playfields shall be provided for each one hundred (100) dwelling units or one-tenth (3/10) of an acre for each ten (10) dwelling units or less.
- 2) One (1) acre of parks shall be provided for each one hundred (100) dwelling units or one-tenth (1/10) of an acre for each ten (10) dwelling units or less.
- 3) In the case of a development plan which proposes development over a period of years, recreation areas shall be shown on the tentative plan in such a manner as to provide playgrounds and parks of adequate size rather than a series of 1/10 acre parcels.

c. Provisions for determining the amount and location of common open space or recreation areas:

- 1) Common open space shall be delineated specifically on the tentative plan and shall not include street right-of-ways,

required setbacks, side yard, rear yards or the required space between buildings. The area in acres of each separate parcel of such common open space shall be clearly shown on the tentative plan.

- 2) Recreation areas, as common open space, shall also be delineated on the tentative plan and the area in acres of each recreation area shall be shown separately from other common open space.

8. Commercial Areas

- a. No commercial enterprises shall be permitted to operate except in the area designated in the Planned Residential Development Plan for commercial use. The permitted uses designed to serve the neighborhood or development may be constructed provided that:

- 1) They shall be so located as to minimize traffic problems and be served by main access roads and not primarily residential streets.
- 2) There shall be no outside storage or display of material, equipment or merchandise.

- b. The area for commercial use shall not exceed the following:

15 to 75 acres	-	10% of tract
75 to 150 acres	-	8% of tract
150 to 250 acres	-	7% of tract
250 acres and up	-	6% of tract

At least fifty (50%) percent of the residential dwelling unit construction shall be completed before any commercial construction may begin and at no time shall the commercial structures or uses exceed the percentage requirements set forth above.

- c. The permissible lot coverage of commercial buildings in the development of commercial center areas shall not exceed 25% of the land area designated for commercial use of proposed plan.
- d. The required parking spaces shall be provided in accordance with the provisions of the Article XIV except that they shall be situated on the same lot within not more than two hundred (200') feet of the commercial buildings to be serviced.

- e. **Buffer Yards** - Where a commercial area adjoins a residential area within the Planned Development or in adjacent land around the perimeter of the development, a buffer yard shall be required in addition to the setback requirements. The buffer yard shall be the same as required in the General Provisions of this Ordinance Article III and shall be in addition to setback required and shall be covered with ground cover and plantings.
- f. **Screen Plantings** shall be required where commercial use adjoins a residential areas adjacent to the development and such plantings shall be in conformity with the requirements contained in the General Provisions of this Ordinance Article III, Section D, paragraph 5 .

9. Utilities

A planned residential development shall be served by a sewerage collection and treatment system and water supply. All plans for sewerage systems shall be subject to review and approval by the Township Supervisors upon the recommendation of the Commission, the Municipal Sewer Authority and the Pennsylvania Department of Environmental Resources.

10. Off-Street Parking

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF STREET PARKING."

E. DESIGN, IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

1. Streets

The design of streets in a planned residential development shall conform to the standards as shown in the Township of Wiconisco Subdivision and Land Development Ordinance, Article V , Section 501 .

2. Easements

The design of easements for public utilities facilities, drainage facilities; streams and water courses in a planned residential development shall conform to the requirements shown in the Township of Wiconisco Subdivision and Land Development Ordinance, Article V , Section 502 .

3. Erosion and Sediment Control

The control of erosion and sediment in a planned residential development shall be subject to the procedure and requirements of the Township of Wiconisco

Subdivision and Land Development Ordinance, Article V , Section 505 .

4. Improvement and Construction Requirements

The developer shall provide all improvements required shown in the Township of Wiconisco Subdivision and Land Development Ordinance, Article VI . Such improvements shall be provided or assured as required in the Subdivision and Land Development Ordinance, Article VI .

5. Off-Street Parking

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF STREET PARKING."

F. - SIGNS

Signs may be erected and maintained only when in compliance with the provision of Article XV , except that billboards or advertising sign boards, including poster panels, bulletins and the like, shall not be permitted in any Planned Residential Development.

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ARTICLE XIV

OFF-STREET PARKING

A. GENERAL PARKING REGULATIONS

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
2. Outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to outer walls. If separated from the principal building, the garage shall conform to all accessory or building requirements. The garage may be constructed under a yard or court provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

B. FACILITIES REQUIRED

Any of the following buildings hereafter erected or enlarged, and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than minimum parking spaces as set forth below.

OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
Automobile Laundry (Car Wash)	5 for each laundry machine.
Automobile Sales and Service Garages	1 for each 400 sq. ft. of floor area.
Automobile Service Station	2 for each service bay.

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OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
Banks or Professional Offices	1 for each 200 sq. ft. of floor area.
Bowling Alleys	5 for each alley.
Churches and Schools	1 for each 3.5 seats in an auditorium, or 1 for each 17 classroom seats, whichever is greater.
Community Buildings and Social Halls	1 for each 100 sq. ft. of floor area.
Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges and other similar places and other commercial buildings	1 for each 100 sq. ft. of floor area or of water area in swimming pool.
Driving Ranges and Miniature Golf	1 for each tee.
Food Supermarkets	1 for each 200 sq. ft. of floor area.
Funeral Homes, Mortuaries	5 for each parlor.
Furniture or Appliance Stores	1 for each 200 sq. ft. of floor area.
Hospitals, Nursing and Convalescing Homes	1 for each 3 beds, plus 1 for each employee.
Hotels, Motels, Tourist Houses, Boarding and Lodging Houses	1 space for each guest room.
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 1,000 sq. ft. of floor area, plus 1 for each 2 employees in the maximum working shift. The total parking area shall not be less than 25% of the building floor area.
Medical and Dental Offices	5 spaces for each doctor or dentist.
Multiple Dwellings	1.5 spaces per dwelling unit.
Restaurants, Beer Parlors and Night Clubs	1 for each 2.5 seats.

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OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
Retail Stores and Shops	1 for each 120 sq. ft. of floor area.
Rooming Houses	1 for each 1 bedroom.
Single and Two-Family Dwellings	1 for each family or dwelling unit.
Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 3.5 seats
Trailer or Monument Sales, or Auctions	1 for each 2,500 sq. ft. of lot area.
Wholesale Establishments or Warehouse	1 for each 2 employees on maximum shift. The total parking area shall be not less than 25 % of the building floor area.

C. LOCATION OF PARKING SPACE

1. Parking spaces for multiple dwelling buildings, commercial or industrial uses shall be readily accessible to, and within a reasonable distance from the buildings served there by. Such spaces shall be on the same lot and in the same zoning district as the principal building, or open area, except when otherwise authorized, as a special exception, conforming to the following regulations.
 - a. The required parking spaces shall be suitable within six hundred (600) feet of the principal building or open space in question.
 - b. That such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and his heirs or assigns to maintain the required number of parking spaces throughout the life of the principle use.

D. DESIGN STANDARDS

1. The minimum dimensions of parking facilities to be provided shall be as follows:
 - a. In all districts net parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long.

- b. In all districts except for single family dwellings, there shall be no less than twenty (20) feet of open space between the curb line or edge of any parking area and the outside wall of any building.
- c. Parking lot dimensions shall be no less than those listed in the following table.

<u>Angle of Parking</u>	<u>Parking Bay Width</u>	<u>Depth from Curb (1)</u>	<u>Aisle Width</u>	
			<u>One-Way</u>	<u>Two-Way</u>
90 degrees	10'	20'	24'	24'
60 degrees	10'	22'	18'	20'
45 degrees	10'	21'	15'	20'
30 degrees	10'	19'	12'	20'

- 1) Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.
- d. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area. —
- e. Parking areas shall be designed so that each motor vehicle may proceed to and from parking space provided for it without requiring the moving of any other motor vehicle. —
- f. The width of entrance and exit drives shall be a minimum of twelve (12) feet for one-way use only, a minimum of twenty (20) feet for two-way use; except where 90 degree parking is used in which case the minimum shall be not less than twenty-four (24) feet; and a maximum of twenty-four (24) feet at the street line.
- g. Set back for parking areas shall be provided as follows:
 - 1) All parking spaces and access drives shall be at least twenty (20) feet from any multiple dwelling building, commercial building and industrial building on the lot;
 - 2) All parking spaces and access drives shall be at least five (5) feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area; and

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- 3) Except at entrance and exit drives parking areas shall be physically separated from any public and/or private streets by a minimum five (5) foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into public or private streets in order to leave the parking areas.
- h. Separate parking areas on a parcel or development shall be physically separated from one another by eight (8) foot planting strips.
- i. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public streets view and from the ground level of adjoining residential districts.

E. DRAINAGE, SURFACING AND MAINTENANCE STANDARDS

1. The area of the parking lots, including drive ways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Municipal Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property.
2. Parking areas shall be kept clean and free from rubbish and debris.

F. LIGHTING

1. Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residential district beyond the property line.

G. LOADING AND UNLOADING SPACE

In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.

At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten (10) feet wide, and thirty-five (35) feet in length, and fourteen (14) feet in height.

Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds fifty thousand (50,000) square feet.

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ARTICLE XV

SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to erection, alteration, or maintenance of signs and similar devices.

A. SIGNS IN RESIDENTIAL DISTRICTS

The following type of signs, and no other, shall be permitted in Residential Districts:

1. 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, may be erected and maintained, provided:
 - a. The size of any such sign is not in excess of six (6) square feet; and
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
2. 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 person interested in such sale or development, may be erected and maintained, provided:
 - a. The size of any sign is not in excess of twenty (20) square feet; and
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
3. 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:

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- a. 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
 - b. Not more than one such sign is erected on each five hundred (500) feet of street frontage.
4. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided the conditions in subsection 1. hereof, are complied with.
 5. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
 - a. The size thereof is not in excess of four (4) by four (4) or sixteen (16) square feet; and
 - b. Such signs are removed promptly upon completion of the work.
 6. 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.
 7. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature, provided:
 - a. The size of any such sign is not in excess of twenty (20) square feet; and
 - b. Not more than two (2) signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
 8. Signs advertising the sale of farm products when permitted by this Ordinance, provided:
 - a. The size of any such sign is not in excess of six (6) square feet;
 - b. Not more than two (2) signs are used; and
 - c. The signs shall be displayed only when such products are on sale.

9. Signs advertising home occupations, which shall be not larger than six (6) inches by eighteen (18) inches, bearing the name and occupation (words only) of the practitioner. Such signs may be illuminated if such lighting is shielded or indirect but shall not include neon signs.

B. BUSINESS IDENTIFICATION SIGNS

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts subject to the following regulations.

Existing Business Identification Signs on existing non-conforming uses may be continued and maintained provided that such signs shall conform to the General Regulations in paragraph D. below.

1. The sign surface area on lots where less than ten (10) percent of the lot area is covered by buildings shall not exceed three(3) square feet in area for each lineal foot of street frontage.
2. The sign surface area on lots where ten (10) percent or more of the lot are is covered by buildings shall be determined as follows:

a. Lower Level (Story) Signs

The total permitted sign surface area of all business identification signs located on a building within the lower two stories or twenty-six (26) feet, whichever is lower, and/or free standing on the lot shall not exceed an area equal to twenty-five (25) percent of said lower two story area of the building facade to which the sign is oriented and/or attached; provided, however, if more than one sign is erected, the total permitted sign surface area shall be reduced by 1/5 for each additional sign.

b. Upper Level (Story) Signs

The permitted sign surface area of all business identification signs located on a building above the first two (2) stories shall not exceed an area equal to ten (10) percent of the area of the building facade above the second story to which the sign is attached; provided, however, if more than one sign is erected, the total permitted sign, surface area shall be reduced by 1/5 for each additional sign.

- c. Lower and Upper Level Signs may be continuous; however, if not, there shall be at least thirteen (13) feet, or one (1) story whichever is lesser, between upper level and lower level signs.

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- d. Roof top business identification signs shall be considered upper level signs and shall be regulated by "b" above.
- e. Existing Business Identification Signs on existing non-conforming uses may be continued and maintained provided that such signs shall conform to the General Regulations below.

C. BILLBOARDS

Billboards or advertising sign boards, including poster panels, bulletins, and the like, may be erected and maintained in C-H, Commercial and M-G, Manufacturing Districts under the following restrictions and controls:

1. In C-H, Commercial Districts, advertising sign structures are limited to only one (1) for each street frontage. No such structure shall contain over one (1) advertising sign per facing, nor shall any individual advertising sign exceed twenty (20) feet in vertical measurement or twenty-five (25) feet in length.
2. In M-G, Manufacturing Districts, advertising sign structures are limited to only one (1) for each street frontage. An individual advertising sign may exceed twenty-five (25) feet in length, in which case only one (1) such sign may be permitted on the facing of such structure and in no event shall such sign exceed a length of sixty (60) feet nor vertical measurement of twenty (20) feet.
3. No advertising sign shall be permitted to be erected upon the roof of any building and advertising signs shall be required to setback thirty (30) feet from the front lot line or to the established building line, whichever is less.
4. No advertising sign shall be permitted to be erected within fifty (50) feet of an adjoining Residential District if visible from and designed to face into such District.
5. Advertising signs, if lighted, shall be indirectly illuminated, and all such signs shall conform to the height regulations for buildings in the district in which they are located.

D. GENERAL REGULATIONS

The following regulations shall apply to all permitted sign uses:

1. Sign must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

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2. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
3. Signs, other than an official traffic sign, shall not be erected within the lines of any street.
4. Hereafter, signs may project beyond the property line abutting a street providing that the overhanging sign is not less than nine (9) feet above the sidewalk and at least three (3) feet from the curb line. Overhanging signs shall not project over the cartway of a street or alley.
5. Signs shall not project above the height limit permitted in any district in which they are located.
6. No sign shall be permitted which causes interruption or flashing of light.
7. All signs erected within the right-of-way of a State Highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
8. A permit shall not be required for the erection, alteration or maintenance of any signs permitted in a Residential District.
9. A permit shall be required for the erection, alteration or reconstruction of billboards, or advertising sign boards, including poster panels, bulletins and the like.
10. All signs shall be removed when the circumstances leading to their erection no longer applies.
11. All non-conforming signs, billboards or advertising sign boards, including poster panels, bulletins and the like, shall be made to conform to all pertinent regulations, or be removed within two (2) years after the effective date of this Ordinance, except that business identification signs on legal non-conforming uses, may be continued and maintained as a part of the legal non-conforming use.

E. EXISTING NON-CONFORMING SIGNS

Existing signs may be continued provided that signs conform to the General Requirements as set forth in Section D. above of this Article.

ARTICLE XVI

MOTOR VEHICLE ACCESS

Wherever motor vehicle access is provided from the street (or private road) onto the lot, the following regulations shall apply:

A. DRIVEWAYS AND CURBS

Access to the lot shall comply with the following regulations:

1. Access shall be by not more than two (2) driveways for each one hundred (100) feet frontage on any street.
2. In single and two-family residential districts no two (2) of said driveways shall be closer to each other than twelve (12) feet and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.
3. Each driveway shall be paved and shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. Driveways shall not cross the street right-of-way line within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Planning Commission and/or the Governing Body this dimension shall be increased for driveways into shopping centers, other commercial, industrial, public or institutional uses.
5. Driveways shall not cross the street right-of-way within five (5) feet of a fire hydrant, catch basin or drain inlet.
6. Driveways shall not cross the street right-of-way within forty (40) feet of another driveway on the same lot, excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than twelve (12) feet between two access drives.
7. Driveways shall not cross the street right-of-way in all multi-family, commercial and industrial districts within twenty (20) feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.

8. For non-dwelling uses, where there is an existing curb and gutter or sidewalk on the street (or private road), a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street (or private road) side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the municipal engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street (or private road) are required as shown on Plate 1, attached to this Ordinance as if fully described and detailed herein.
9. For non-dwelling uses, where there is no existing curb and gutter or sidewalk, a curb, fence or pipe rail not exceeding two (2) feet or less than eight (8) inches in height as shown on Plate 1, attached to this Ordinance shall be constructed along the entire length of the property line, except in front of the permitted driveways.
10. For commercial and industrial districts when deemed necessary to permit safe ingress and egress, acceleration and deceleration lanes paralleling the street shall be installed at the expense of the property owners.

11. General Safety Requirements — Sight Distance

Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of ten (10) percent within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.

12. Submission of Plan

A scale drawing of proposed off-street parking and loading areas, access drives and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation in addition to the approval of the Board of Supervisors.

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ARTICLE XVII

AMENDMENTS

A. PROCEDURE

The Township Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend supplement or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Planning Commission, must be referred to the Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is reversed or further revised to include land not previously affected by it, the Township Supervisors shall hold another public hearing, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the ordinance or amendments by the local governing body, the Township Planning Commission shall submit the proposed ordinance or amendments to the County Planning agency for recommendations.

B. PROCEDURE UPON CURATIVE AMENDMENTS

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1.

C. CONTENT OF PUBLIC NOTICE

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

D. PUBLICATION AFTER ENACTMENT

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the municipality where copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE XVIII

ADMINISTRATION AND ENFORCEMENT

A. APPOINTMENT AND POWERS OF ZONING OFFICER

For the administration of this zoning ordinance, a zoning officer, who may not hold any elective office in the municipality, shall be appointed. The zoning officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance.

B. ENFORCEMENT

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Township Supervisors may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

C. PERMITS1. Requirements of Permits

A building permit, where the municipality issues such permits or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefor. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure.

2. Application for Permits

All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or

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part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One copy of such plans shall be returned to the owner when such plans shall be approved by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

3. Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as with all the provisions of an existing or hereafter enacted building code. A permit issued hereunder shall become void twelve (12) months after issuance date.

4. Temporary Permits

A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

5. Certificate of Nonconformance

A certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which at the time of the effective date of this ordinance, identifying the nonconforming uses and nonconforming structures located and the owners property and the issuance of such certificates shall be registered in the records of the municipality as follows:

- a. Such certificates of nonconformance shall be issued within ninety (90) days after the effective date of this Ordinance.
- b. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- c. A copy of the Certificate of Nonconformance shall be retained by the Zoning Officer for the municipal registration.

This certificate shall be for the purpose of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this ordinance.

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D. SPECIAL EXCEPTION

Applications for any special exception permitted by this Ordinance shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board shall refer the matter to the Planning Commission for report thereon as to its effect on the Comprehensive Planning of the Township of Wiconisco pursuant to Section B.5. of this Article.

E. FEES

The Township Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for building permits, certificates of occupancy, appeals, variances, amendments, bonds and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Township Supervisors.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

F. INSPECTION1. Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

a. At the Beginning of Construction

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building.

- 1) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Office, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

b. At the Completion of Construction

A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

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G. CERTIFICATE OF USE

1. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
2. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been regularly issued therefor by the Zoning Officer.
3. A Certificate of Use, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.
4. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land which be occupied or used, or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
5. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
6. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

H. APPEALS

1. An appeal, or application, for a special exception or variance from the terms of this Ordinance, may be filed with the Zoning Officer, and shall state:
 - a. The name and address of the applicant.
 - b. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
 - c. A brief description and location of the real estate to be affected by such proposed change.
 - d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - e. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
 - f. A reasonably accurate description of the present improvements, and the additions 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 of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.

I. ZONING APPEALS

All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in Article X, Pennsylvania Municipalities Planning Code (Act 247) as amended.

J. ZONING HEARING BOARD

The Township Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and such powers and authority as set forth in Article IX of Act 247 of the Commonwealth of Pennsylvania, as enacted or hereafter amended. The duly established Zoning Hearing Board shall have the following functions:

1. Hearings

The Board shall conduct hearings and make decisions in accordance with Section 908, Pennsylvania Municipalities Planning Code (Act

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247) as amended. Notice shall be given to the public, the applicant, the County planning agency, the Zoning Officer, such other persons as the Township Supervisors shall designate by ordinances and any person who has made timely request for the same. Notices shall be given at such time and in such manner prescribed by ordinance, or, in the absence of ordinance provision, by rules of the Board. The Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice not required by ordinance.

2. Appeals

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny the appellant the right to proceed directly in court where appropriate.

3. Challenge to Validity

Except as provided in Item 4, below, relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Township Supervisors. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon as provided in Item 1, above: At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

4. Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape

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or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. That such unnecessary hardship had not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and
- e. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

5. Special Exceptions

In this Ordinance, special exceptions may be granted or denied by the Board pursuant to expressed standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure:

- a. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.

- b. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location to the needs and growth pattern of the Township of Wiconisco and, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan.

The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within such thirty (30) days, such application shall be deemed to have been approved by said Planning Commission. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the Township of Wiconisco and is deemed necessary for its convenience.

A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

6. Parties Appellant Before the Board

Appeals under Item 2, above, and proceedings to challenge an ordinance under Item 3, above, may be filed with the Board, in writing, by any officer or agency of the Township of Wiconisco or any person aggrieved. Requests for variance under Item 4, above, and special exception under Item 5, above, may be filed with the Board by any landowner or any tenant with the permission of such landowner.

a. Time Limitations

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

- 1) No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall

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be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect, unless the person raising such issues alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

- 2) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he failed to receive adequate notice of such approval.

If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

b. Stay of Proceedings

Upon filing of any proceeding referred to in this item and during its pendency before the Board, all and development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property; in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition of continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

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K. VIOLATIONS

Failure to comply with any provision of this Ordinance, failure to secure a permit, or Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension, or addition to a building; or failure to secure a Certificate of Use, shall be violations of this Ordinance.

1. Notice of Violation

When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, contractor, or building, such violation shall be discontinued immediately.

2. Penalties

It shall be unlawful to erect, construct, reconstruct, alter and maintain or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) Dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid to the Township of Wiconisco.

3. Remedies

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Township Supervisors or, with their approval, an officer of the municipality, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

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L. VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

M. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying 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 a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations, or ordinances, the provisions of this Ordinance shall control.

N. REPEALER

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

O. ENACTMENT

Enacted and ordained into an Ordinance this 22nd day of December, 1975.

Harold E. Jung
Mayor

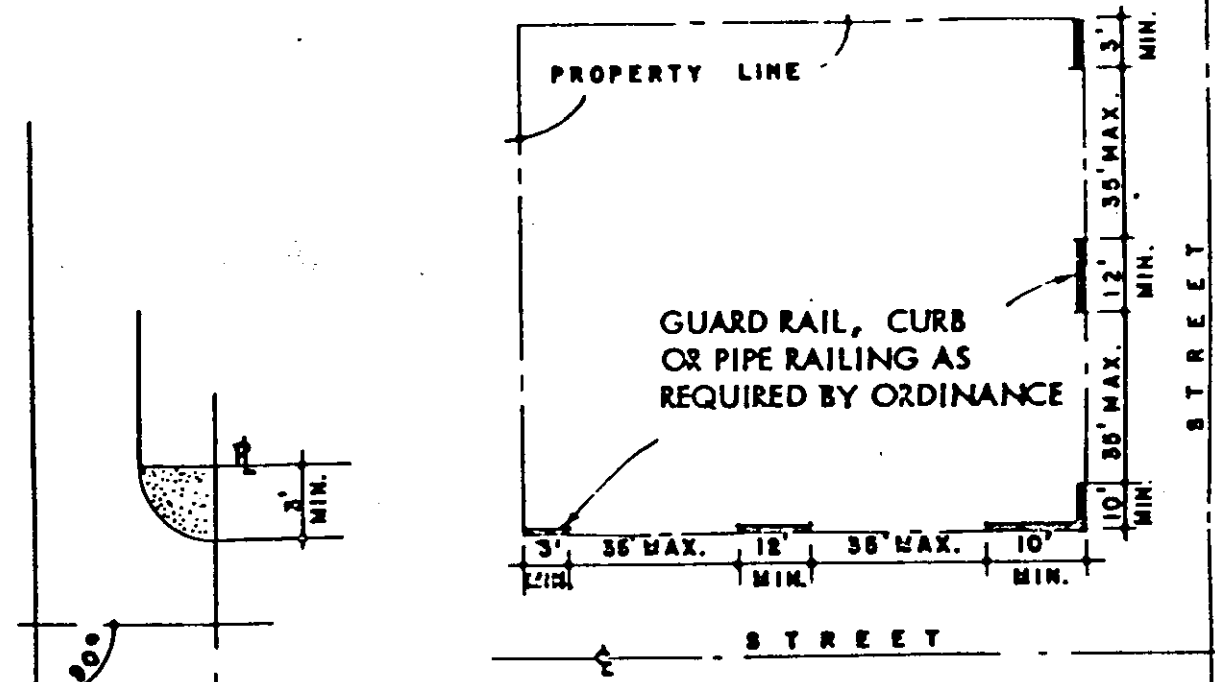
George E. Watson

ATTEST:

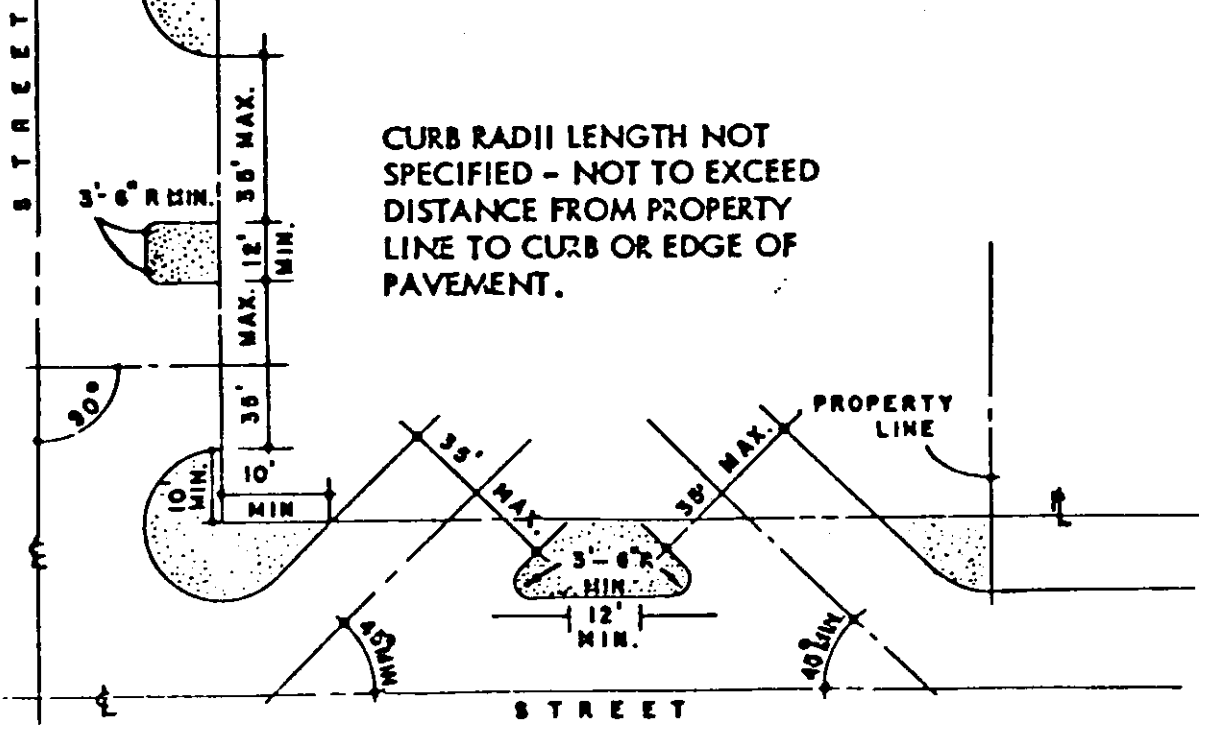
Flora E. Kringer
 Secretary

Read and approved by me this 22nd day of December, 1975.

 Jeffrey A. Ernico
 Solicitor for the Township of Wiconisco



WITHOUT CURB



WITH CURB

CURB RADII LENGTH NOT SPECIFIED - NOT TO EXCEED DISTANCE FROM PROPERTY LINE TO CURB OR EDGE OF PAVEMENT.

MOTOR VEHICLE ACCESS REQUIREMENTS