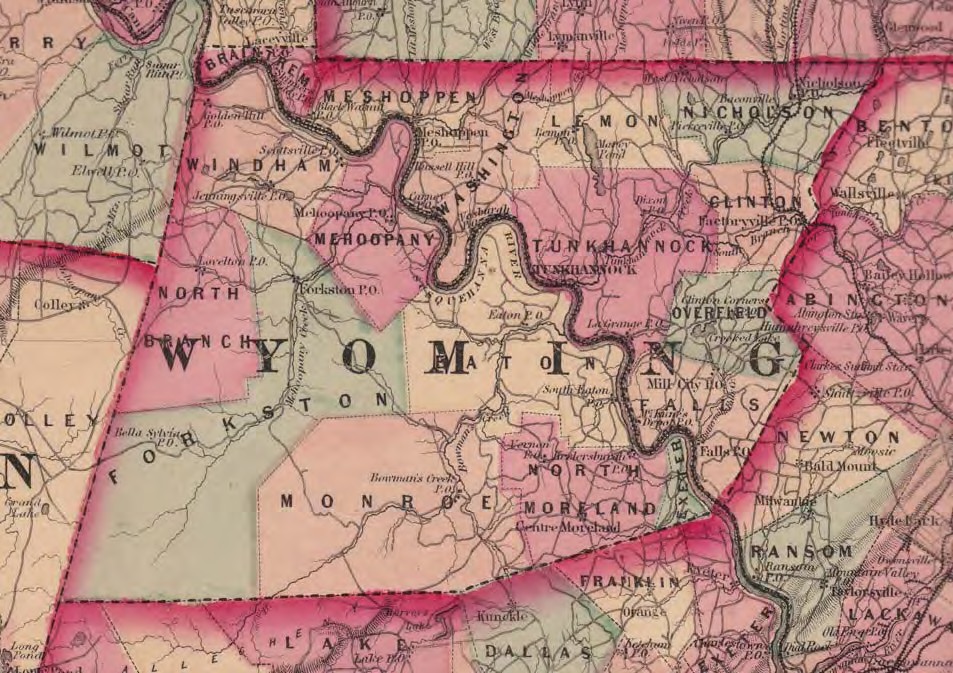
**CLINTON TOWNSHIP & NICHOLSON BOROUGH**

WYOMING COUNTY, PENNSYLVANIA

ZONING ORDINANCE COMPILATION 2017



*The New Topographical Atlas of Pennsylvania*, Stedman, Brown & Lyon, 1872, Philadelphia.

This compilation has not been adopted as a whole by the Township Board of Supervisors, but simply includes all the provisions of the ordinances cited below. The intent is to facilitate the public use of the Zoning ordinance and amendments. Nevertheless, the provisions of the underlying ordinances remain in full force and effect and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment.

1. The original Clinton Township-Nicholson Borough Zoning Ordinance, December 28, 2006.
2. Clinton Township Ordinance 317-11, April 1, 2011 and Nicholson Borough Ordinance 11-306, April 1, 2011.
3. Clinton Township Ordinance 319-12, July 11, 2012, effective August 2, 2012, and Nicholson Borough Ordinance 12-306, July 2, 2012, effective August 2, 2012.
4. Clinton Township Ordinance 12-15 and Nicholson Borough Ordinance 12-15.

GUIDE TO USING THIS ZONING ORDINANCE

K **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.

K The **Table of Contents** and the **Index** at the back of the Ordinance should help you find the sections applicable to your situation.

K The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses**

in Article IV.

K The **Schedule of Uses** in Article IV lists all of the uses allowed in each district and the **Table of Uses Permitted by Districts** lists uses by category and specifies in which Districts the uses are allowed.

K The **Schedule of Uses** in Article IV also classifies all of the uses allowed in each Zoning District.

L **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.

L **Conditional Uses** - review by Planning Commission, action by Governing Body. (See §1208)

L **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1208)

K The requirements for **Permit Applications** are found in §1202.

K The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.

K The **Definitions** in Article III provide the meaning for specific terms.

K Many uses are subject to specific requirements of this Ordinance.

L Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations** and

### Off-Street Parking.

L Article VI governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.

L Article VII includes performance standards for **Commercial and Manufacturing Uses**.

L Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.

K **Signs** are governed by Article XI and a business sign will probably require a permit.

K Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1207.1.

K A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as ***grand-fathered***, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article IX. Nonconforming lots, lots which do not meet the minimum size and dimension requirements, can also be used if they meet the setback, water supply and sewage disposal requirements in §911.

K If a project involves the creation of a new lot or lots, the change of lot lines, or the erection of one or more new principal nonresidential buildings, the **Subdivision and Land Development Ordinance** will also apply. This ordinance is separate from the Zoning Ordinance.

K **Fees** are set by Resolution of the Governing Body per §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

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Adoption 1

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Clinton Township and the Borough Council of Nicholson Borough, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968,

P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

### ARTICLE I - GENERAL PROVISIONS

### Borough Zoning Ordinance Repeal and Replacement; Conflict

The Nicholson Borough Zoning Ordinance of October 6, 1980, as amended, is hereby repealed and replaced in its entirety as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Clinton Township or Nicholson Borough. If any other ordinance, code or regulation of the Township or Borough is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

### Title and Short Title

* 1. Title

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES: THE DENSITY OF POPULATION AND INTENSITY OF USE; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; AUTHORIZING THE APPOINTMENT OF A ZONING OFFICER; CREATING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

* 1. Short Title

This ordinance shall be known and may be cited as the *CLINTON TOWNSHIP-NICHOLSON BOROUGH ZONING ORDINANCE*.

### Purpose

This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the Municipalities and various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
2. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land within the Municipalities for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

### Applicability

* 1. Conformance

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

* 1. Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.

* 1. Regulated Activities

Any of the following activities or any other activity or matter regulated by this Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
3. Creation of a lot or alteration of lot lines.
   1. Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or 4) any other activity regulated by this Ordinance.

### Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Municipalities and citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Municipalities except 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, regulations, or ordinances, the provisions of this Ordinance shall control.

### Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Municipalities that such remainder shall be and shall remain in full force and effect.

### Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

**Clinton Township-Nicholson Borough Zoning Ordinance Objectives and Goals --- Page II-1**

### ARTICLE II

**COMMUNITY DEVELOPMENT OBJECTIVES AND GOALS**

### General Community Development Objectives

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include, but are not limited to the following:

1. To achieve the best use of the land within the Municipalities, insuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community.
2. To establish realistic population densities in order to insure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.
3. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
4. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.
5. To provide the opportunity for a wide-range and variety of housing types to meet the needs of all residents; newly-formed households, growing families and senior citizens.
6. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.
7. To expand local business and strengthen the economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
8. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

### Comprehensive Plan Goals and Objectives

In addition to the General Community Development Objectives set forth in §201, this Zoning Ordinance is intended to implement the goals and objectives contained in the Northeast Wyoming County Comprehensive Plan and any other plan which may be adopted by the Municipalities.

### ARTICLE III - DEFINITIONS

### Rules of Construction and Definitions

The following rules of construction shall apply to this Ordinance:

1. For the purpose of this Ordinance, certain terms and words are herein defined. Whenever used in this Ordinance, they shall have the meaning indicated in this Article, except where there is indicated in context different meaning.
2. The particular shall control the general.
3. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
4. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase *used for* includes *arranged for*, *designed for*, *intended for*, and/or *occupied for*.
6. The word *person* includes *individual, profit or non-profit organization, partnership, company, unincorporated association, corporation*, or other similar entities.

### Terms, Phrases and Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

### Definitions

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition.

Abused Person Shelter: A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

Accessory Use or Structure: A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

Access Point: One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image- producing devices are maintained to show images of five (5) or fewer persons per machine at any one time, and

where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. An *Adult Arcade* shall be considered an *Adult Business* for the purpose of this Ordinance.

Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or
2. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing *specified sexual activities* or *specified anatomical areas* and still be categorized as *adult bookstore* or *adult video store*. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an *adult bookstore* or *adult video store* so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

The term Adult Bookstore shall include but not be limited to an Adult Video Store, and all such uses shall be considered an Adult Business for the purpose of this Ordinance.

Adult Business: Any of the following:

1. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
2. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
3. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of *specified sexual activities* or *specified anatomical areas*, or where any *specified sexual activities* are conducted for economic gain or any other form of consideration.
4. Any of the following as defined in this Article II:
   1. adult arcade
   2. adult bookstore or adult video store
   3. adult live entertainment use or facility
   4. adult motel
   5. adult motion picture theater
   6. adult theater
   7. escort agency
   8. massage parlor
   9. nude model studio
   10. sexual encounter center Adult Care Facility: See *nursing home*.

Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

1. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
2. Live performances which are characterized by the exposure of *specified anatomical areas* or simulated or actual

*specified sexual activities*; or,

1. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.

An *adult live entertainment use or facility* shall be considered an *adult business* for the purpose of this Ordinance. Adult Motel: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*; or,
2. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An *adult motel* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*. An *adult motion picture theater* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of *specified sexual activities* or *specified anatomical areas*. An *adult theater* shall be considered an *adult business* for the purpose of this Ordinance.

Agricultural Use: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

Agriculture Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such

uses as sawmills, tanneries, dairies and food canning and freezing operations.

Airport: A tract of land, with or without buildings, where airplanes, jets, helicopters and/or any other type of aircraft land and take off.

Alterations: As applied to a building or structure, means any 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.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. The use of less than five (5) such devices shall be permitted as an accessory use to any lawful principal commercial use.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Apartment: See *dwelling.*

Applicant: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.

Archery Range, Indoor: Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman’s, recreation or fraternal club or association with twenty-five

(25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week. Considered a *recreational facility, commercial* for the purposes of this Ordinance.

Archery Range, Outdoor: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman’s, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week.

Art Studio: An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items.

Assisted Care Dwelling Unit for Relative: A separate mobile home especially erected for and limited to the temporary occupancy by a person who is *related* (see definition) to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others, or physical handicap. (See §606.)

Bank: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Basement: An enclosed floor area partly or wholly underground, other than a building which is completely underground.

Bed and Breakfast: Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area and shall not be used for long term occupancy or residency of guests.

Betting or Gambling Use: A use where lawful gambling activities are conducted, including but not limited to off-track para-mutual betting. This term shall not include betting under the State Lottery programs or betting under the *Small Games of Chance* provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property.

Boarding or Lodging House: Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals normally, but not necessarily included as a part of the services rendered.

Borough: The Borough of Nicholson, Wyoming County, Pennsylvania.

Borough Buildings and Uses: Any building, structure, service or use under the jurisdiction of the Borough of Nicholson, Wyoming County, Pennsylvania.

Borough Council or Council: The Borough Council of the Borough of Nicholson, Wyoming County, Pennsylvania.

Buffer: A strip of land that: separates one use from another use or feature, and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building Envelope: An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.

Building Height: The vertical distance of a building measured from the average ground level to the highest part of the structure, excluding chimneys.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Fuel Storage Facility: Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large volume tanks for distribution to retail or wholesale establishments.

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located,

established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which and shall not be used for long term occupancy or residency of occupants.

Carport: A roofed building intended for the storage of one (1) or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

Car/Truck Wash: Any building or premises or portions thereof used for washing automobiles or trucks for commercial purposes.

Cemetery: Land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this ordinance.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

Commercial Use: An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee.

Commercial Communication Device: Any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subject of the zoning ordinance:

1. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
2. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.

C.. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.

1. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
2. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, filed disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
3. Privately owned antennas for receiving commercial television or radio serving a dwelling.

Commercial Communication Device Support Structure: Any pole, telescoping mast, tower, tripod, or any other

structure which supports a commercial communication device.

Commercial Communication Device Support Structure Height: The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Common Area: All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

Common Facilities: Improvements in a development that are not required by the Township or borough but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

Commission: The Northeast Wyoming County Planning Commission, Wyoming County, Pennsylvania.

Comprehensive Plan: The North Central Wyoming County Comprehensive Plan including all maps, charts and textual matter.

Concentrated Animal Feeding Operation (CAFO): Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

Conditional Use: A use which may be suitable in the district only when specific conditions and factors prescribed for such cases within this Ordinance are satisfied. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted. (See §601.4 and §601.5.)

Conservation Area, Secondary: Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community. (See §601.4 and §601.5.)

Conservation Design Subdivision: A subdivision designed at the dwelling unit density specified in the Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity. (See §601.)

Conservation Easement: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

Conservation Open Space: That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Conservation open space may be accessible to the residents of the development and/or the Municipalities, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Contractor’s Yard: Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies and/or other materials; or any area where equipment, vehicles, supplies and/or

other material are assembled or stored for the support of another operation or use located at a different site.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a *supermarket*). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Country Club: A recreational property owned and managed by a non-profit membership organization and including recreational facilities, restaurant and meeting rooms. Property owner associations and/or the property they maintain shall not be considered, however, as country clubs, nor shall other residential or commercial properties operated for profit. Considered a *recreational facility, commercial* for the purposes of this Zoning Ordinance.

County: The County of Wyoming, Commonwealth of Pennsylvania. Crematorium: A furnace or establishment for the incineration of corpses.

Crop Production: An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, trees or fruit. The definition excludes *commercial greenhouses* and *commercial nurseries* as defined by this Zoning Ordinance.

Day Care, Adult: A use providing supervised care and assistance to persons not in good physical health, or who are suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child: A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. The following three types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place or worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of care giver. (See also the definition of *day care, adult*.)

1. (Child) Day Care, as an Accessory Use - A type of *day care* use that provides care for six (6) or fewer children at one time who are not relatives of the care giver.
2. (Child) Day Care Center, as a Principal Use - A type of *day care* use that provides care for seven (7) or more children at any one time who are not relatives of the primary operator.

Deck: An attached accessory structure elevated more than twelve (12) inches and constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

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

Detached Building: A building that is surrounded on all sides by open yards and that is not attached to any other building.

Detention Facility: A facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who proposes to make or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Development Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Municipalities to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

Development Plan: A proposed development, prepared in accordance with this Ordinance and the Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

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

Drive-in Theater: An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles. Considered a *recreational facility, commercial* for the purposes of this Zoning Ordinance.

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to a dwelling unit, commercial unit, institutional or industrial principal use.

Drug Paraphernalia: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Multi-Family: (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

1. Residential Conversion to Apartments - Conversion of an existing single family detached dwelling into three

(3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.

1. Garden Apartment - Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
2. Townhouse - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit separated from any other unit by one or more common fire resistant walls.
3. Medium High-Rise Apartment - Multi-family dwellings of more than two and one-half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit accommodating one family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Engineer, Municipal: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Township and/or Borough.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *escort agency* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Essential Services: Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see *semi-public building or use*.)

Exercise Club: A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family: One or more persons living in a single dwelling unit functioning as a common household unit sharing meals and household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than one (1) lease among all of the occupants. A family shall not include more than five (5) persons who are not *related* to each other (see definition). (See provisions in §605 regarding maximum number of unrelated persons within a *group home*. (See also the definition of a *dwelling unit*.)

Farm Stand: A booth or stall on a farm and from which produce and farm products grown on the premises are sold to the general public.

Fence: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed or wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a *wall.* The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

Fireworks Manufacturing or Storage: Any land, building or structure, or part thereof, used for the production, keeping or transfer of any fireworks. This shall not apply to the retail sales of fireworks which are lawful for use in Pennsylvania.

Flea Market: Any sales activity conducted under any pavilion or other building or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floodplain: See §401.3 and §704.3.

Forestry Enterprises: The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill (except for temporary, portable sawmills to service the property being timbered) or the operation of any other wood manufacturing business.

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

Garage, Private: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. Considered a *retail business* for the purposes of this Zoning Ordinance.

Gas Compressor Station: A facility at which natural gas passing through a pipeline is pressurized by a turbine, motor, or engine. In addition to compressing natural gas, compressor stations usually contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the natural gas in the pipeline.

Gas Metering Stations - A permanent structure that may or may not be integrated with a compressor station and is used for the purpose of metering or measuring the flow and/or volume of gas entering the station.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges; but does not include miniature golf courses or golf driving ranges. Considered a *recreational facility, commercial* for the purposes of this Zoning Ordinance.

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. Considered a *recreational*

*facility, commercial* for the purposes of this Zoning Ordinance.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreational facility, commercial* for the purposes of this Zoning Ordinance.

Good Operating and Road-Worthy Condition: A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Governing Body: The Clinton Township Board of Supervisors in cases where the land use is located in Clinton Township, and the Nicholson Borough Council in cases where the land use is located in Nicholson Borough.

Greenhouse, Commercial: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

Greenhouse, Private: A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

Gross Floor Area: The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

Group Home: The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the *group home* standards of §605, and meets all other standards of such section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other handicap\* as defined by applicable Federal law.
4. Does not meet the definition of a *detention facility*.
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

\*NOTE: As of 1992, the Federal Fair Housing Act defined *Handicap* as follows: *1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21*. A use that would otherwise meet the definition of group home but which includes more than the permitted number of residents shall be considered an *Institutional Group Home*, which is a distinct use.

\*NOTE: A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered an "Institutional Group Home," which is a distinct use.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including abused person shelters, hospital facilities, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated.

Heliport: An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage, including any such area accessory to a principal use. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

A Public Heliport - A heliport that does not meet the definition of a *private heliport*. Public heliports shall be considered *airports* for regulation by this Zoning Ordinance.

B. Private Heliport - A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also know as a helistop.

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 a sign as provided herein; including but not limited to the following occupations: the professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, veterinarians, and other uses meeting the requirements of §503.3.1 and the other applicable standards in this Ordinance; excluding commercial stables, kennels, motor vehicle or small engine repair shops, and any retail and wholesale sales.

Horse: Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules and donkeys.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Considered a *health facility* for the purposes of this Zoning Ordinance.

Hotel: A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a residence) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Hydraulic Fracturing Water Withdrawal Facility: A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to a natural gas well for the purpose of hydraulic fracturing.

Impervious Surface: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Municipal Engineer shall decide any dispute over whether an area is *impervious*.

Industrial Wastewater Treatment Facility: A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and

solutions used in the process of hydraulic fracturing for natural gas) nutrients, organics, solids, radionuclides or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

Junk: Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

1. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
2. Used lumber, boxes, crates and pallets;
3. Used tires;
4. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
5. Mobile/manufactured homes that are not in habitable condition; and,
6. Abandoned or junked vehicles.

Junk shall not include:

1. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
2. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
3. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with the Zoning Ordinance shall not be considered junk yards. The following shall also be considered junk yards:

1. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles.
2. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

Kennel or Pound: Any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition shall also include any veterinary

clinic with outdoor animal runs.

Land Development: Any of the following activities or as otherwise defined in the Subdivision and Land Development Ordinance:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
   2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

The definition of land development shall not include:

1. The addition of an accessory building on a lot or lots subordinate to an existing principal building;
2. The conversion of an existing single-family detached dwelling or a two-family dwelling into not more than three

(3) residential dwelling units, unless such units are intended to be a condominium.

Landowner: The legal or beneficial owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other persons having a proprietary interest in land, shall be deemed to be landowners for the purpose of this Ordinance.

Livestock Operation: The raising or keeping of livestock for home consumptive use or any commercial purpose.

Livestock: Any animals raised or kept for home consumptive use or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.

Lot: A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Wyoming County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

Lot Area and Lot Area, Net: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). The net lot area shall not be less than the minimum required lot size as determined by deducting the following areas of constrained land from the total lot size:

1. Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of- way by 1.0.
2. Private Streets: multiply the acreage of land under existing private streets by 1.0.
3. Wetlands: multiply the acreage of wetlands shown on the National Wetlands Inventory Maps by 0.95.
4. Floodway: multiply the acreage within the floodway by 1.0.
5. Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
6. Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.
7. Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.
8. Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
9. Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the adjusted tract acreage.

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line. Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line most distant from and most parallel to the front lot line. Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in the Subdivision and Land Development Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes and any such home subject to U.S. Department of Housing and Urban Development regulations.

Manufacturing and Industry: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new materials, including, but not limited to; the manufacturing or transformation of materials for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the production or storage of hazardous materials or the generation of hazardous waste products or other environmentally regulated processes.

Manufacturing, Light: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products that require special permits or special handling, or other

environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

Massage: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) for a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Facility, Therapeutic: A service establishment that meets all of the following criteria:

1. Massages are conducted (see definition); and,
2. The person conducting the massage is licensed by the state as a health care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training.

Massage Parlor: An establishment that meets all of the following criteria:

1. Massages are conducted (see definition);
2. The person conducting the massage is not licensed by the state as a health care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
3. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
4. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

A *massage parlor* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually overnight.

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes with or without charge.

Mineral: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of minerals as defined in this Article II and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include

1. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
2. The extraction of minerals by a landowner for the landowner’s noncommercial use from land owned or leased by the landowner.
3. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
4. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing

process.

1. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:
   1. Extraction, handling, processing or storing are conducted concurrently with construction.
   2. The area mined is limited to the area necessary to construction.
   3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Mobile Home: 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 separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations..

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Zoning Ordinance.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Zoning Ordinance.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five (25) percent of the rooms having direct access to the outside.

Multi-Family Project: Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two

1. or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two- family dwellings in a multi-family project shall be considered townhouses.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

Municipalities: Clinton Township and Nicholson Borough, Wyoming County, Pennsylvania.

Municipality: The Clinton Township in cases where the land use is located in Clinton Township, and the Nicholson Borough in cases where the land use is located in Nicholson Borough.

NOTE: See §9.200 for additional definitions applicable to nonconformities.

Nonconforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Wyoming County Recorder of Deeds prior to the effective date this Zoning Ordinance, as amended.

Nonconforming Structure: A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure Ordinance fully existed prior to the enactment of this Zoning Ordinance, as amended; and including, but not limited to, non-conforming signs.

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was legally in existence prior to the enactment of this Zoning Ordinance, as amended.

Nude Model Studio: Any place where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A *nude model studio* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Nudity or a State of Nudity: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areolae.

Nursery, Commercial: A commercial operation where trees and shrubs are grown for transplanting, or for use as stocks for budding and grafting.

Nursing Home: A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three

1. or more persons needing such care because of old age or a physical illness or disability or a developmental disability.

Obscene Materials: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *specified sexual activities* and/or *specified anatomical areas*.

Offices: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Oil or Gas Well: A type of *mineral extraction* involving a bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term *well* does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam.

Oil or Gas Well Pad: The area of land used for the purpose of the construction, drilling and operation of an exploratory or production gas or oil well including all areas used for parking, storage, structures or any other associated use or area of land disturbance.

Open Land or Open Space: That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Municipalities, or

it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.

Outdoor Entertainment: Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

Parcel: See *lot*.

Parking Area, Private: An open area for the same uses as a private garage.

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

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete, frost-free footer or a precast foundation set below the frost line.

Permit: A document issued by the proper authority authorizing the applicant to undertake certain activities.

1. Zoning Permit - A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Municipalities, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or *a permit under this Ordinance* shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
2. Construction Permit - A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Municipalities, in accordance with the provisions of the Building Code(s) adopted by the Township or Borough.
3. Use Permit - A permit that may be required by the Municipalities that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of Municipal Ordinances. This shall have the same meaning as a *Certificate of Use and Occupancy*.

Personal Care Home or Center: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania. Considered a *nursing home* for the purposes of this Zoning Ordinance.

Place of Worship: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full- time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated as the appropriate dwelling type; for example, a use involving multi-family dwellings shall be regulated as such in terms of district location, density and other design standards.

Planning Commission: The Northeast Wyoming County Planning Commission, Wyoming County, Pennsylvania.

Porch: An attached accessory roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

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

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

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

Public Hearing: A formal meeting held pursuant to public notice by the Planning Commission or the Board of Supervisors, intended to inform and obtain public comment, prior to taking action in accord with Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No.84), known as the Sunshine Act.

Public Notice: Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Municipalities. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Race Track: A road course, either oval, circuitous or straight, where motor vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, are driven for pleasure, testing or competition; or any course where animals are raced for competition.

Recreation Facilities, Commercial: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding theaters, public parks and playgrounds and any other use specifically listed on the Schedule of Uses.

Recreation Facilities, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Municipalities, County, school district, state, or federal government.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: See *campground and RV parks*.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township and/or Borough, tires, large appliances such as stoves, refrigerators, washers

and dryers, other scrap metal, used motor oil or any other material defined as *Junk* or *Solid Waste* by this Ordinance.

Recycling Facility: A center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclables as defined or authorized under this Ordinance shall be considered a junkyard or solid waste facility as regulated by this Ordinance.

Related or Relative: Persons who are related by blood, marriage, adoption of formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great- grandchild, uncle, aunt, nephew, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. It shall not include relationships such as second, third or fourth cousins.

Residency, Long-Term: Occupancy of a dwelling, generally for periods of more than 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant.

Restaurant, Drive-In: An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Restaurant, Standard: An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a *tavern* must be met.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in the Schedule of Uses.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.

Satellite Dish Antenna or Satellite Antenna : A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School: - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools* (such as privately operated schools of trade, vocation or business.)

Screened: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved in accord with this Ordinance.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

Sewage Disposal, Central: A sanitary sewage collection system in which sewage is carried from individuals lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-Site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A *sexual encounter center* shall be considered an *adult business* for the purpose of this Ordinance.

Shed: An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shooting Preserve: Any area of land which is used for hunting of animals where a fee or other consideration is charged.

Shooting Range, Indoor: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman’s, recreation or fraternal club or association with twenty-five

(25) or more members shall be considered an indoor shooting range for the purposes of this Zoning Ordinance. Considered a *recreational facility, commercial* for the purposes of this Zoning Ordinance.

Shooting Range, Outdoor : Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes, including but not limited to, shooting preserves, target shooting ranges, skeet and trap shooting ranges and courses, and sporting clay shooting operations. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman’s, recreation or fraternal club or association with twenty-five (25) or more members shall be considered an outdoor shooting range for the purposes of this Zoning Ordinance.

Sign: See Article XI.

Solar Collector: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar Collector, Accessory: A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

Solar Energy Storage Facility: Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

Solar Power Generation, Commercial: A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

Slaughter House: A agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom butcher shop that does not involve killing of animals (which is a retail sales use.)

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

Solid Waste Facility: Any facility or operation pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specified Anatomical Areas: Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts

below a point immediately above the top of the areolae.

1. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions as part of or in connection with any of the activities set forth in §§A, §§B and §§C of this definition.

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

Storage Yard For Forest Products and Minerals: An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flag stone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

Stream: Any natural channel of conveyance of surface water having a defined bed and banks with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Student Housing: Any dwelling in which students reside where the number of students does not meet the definition of *family*; or any multi-family dwelling structure which is not a dormitory and which contains two (2) or more dwelling units occupied by students, whether or not the residents of those units meet the definition of *family*.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) 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, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

Township: Clinton Township, Wyoming County, Pennsylvania.

Township Buildings and Uses: Any building, structure, service or use under the jurisdiction of Clinton Township, Wyoming County, Pennsylvania.

Top of Bank: The top of the slope of the stream/river bed which is the normal high water mark. Tract: See definition of *lot.*

Trade School: A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen (16).

Trip Ends: The total of trips entering and leaving a specific land use or site over a designated period time.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Use: The specific purpose for which land or a building is designed, 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 non-conforming use.

Variance: Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Rental Operation: An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered Retail business for the purposes of this Zoning Ordinance.

Vehicle or Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation

vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Body: Any natural or manmade pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

Water Extraction And Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *manufacturing and industry* for the purposes of this Ordinance.

Water Supply, Central: A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central supply which may be publicly or privately owned and operated.

Water Supply, On-Site: A single system of piping, tanks or other facilities serving only a single lot and providing drinking water.

Wetland: Any area defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Energy Facility: A facility where one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility*.

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines, perpendicular to the road/property line to the nearest point of the structure.

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items

conducted on a temporary, intermittent basis (not to exceed five [5] sales per year for not more than three [3] consecutive days each) as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

Zoning Map: The Official Zoning Map of Clinton Township and Nicholson Borough.

Zoning Officer: The administrative officer charged with the duty of enforcing the provision of this Zoning Ordinance.

Zoo: A collection of animals which are maintained in a park by an educational, nonprofit or governmental corporation.

### ARTICLE IV DISTRICT REGULATIONS

### Designation of Districts

* 1. Designation

For the purposes of this Ordinance, the following Zoning Districts are hereby created:

Clinton Township Districts R Residential District

RA Rural-Agricultural District

CI Commercial-Industrial District

Nicholson Borough Districts

* 1. Residential Low Density District
  2. Residential Medium Density District R-3 Residential High Density District

B-1 Business District I-1 Industrial District

I-2 Light Industrial District C-1 Conservation District

* 1. Intent

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in §404 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §404 of this Ordinance.

* 1. Floodplain Overlay District

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Zoning Ordinance, the Borough and Township, as applicable, floodplain regulations shall apply in the Floodplain Overlay District.

* 1. Optional Conservation Subdivision Design Overlay District -- Developer’s Option

The Optional Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. Based on the request of the Developer, the District shall apply to all R, RA and CI Districts, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of §601 of this Zoning Ordinance shall apply.

* 1. Optional Residential Overlay District -- Developer’s Option

The Residential Overlay District is hereby created to afford protection to residential subdivisions developed in the RA, CI, R-1, and C-1 Districts. Based on the request of the Developer at the time of final subdivision approval of any residential development of ten (10) or more lots (not including the parent parcel), the approved subdivision, including all lots and other lands (such as conservation open land) which are part of the subdivision, shall be incorporated into the Residential Overlay District where all standards applicable in the standard Residential District shall apply in lieu of the underlying district standards.

* 1. Airport Overlay District

The Airport Overlay District is hereby created to include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by Article XIII of this Ordinance. In addition to all other applicable standards of this Zoning Ordinance the requirements of Article XIII shall apply in the Airport Overlay District.

### Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

### District Boundaries

* 1. Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Wyoming County Recorder of Deed's Office and on the Wyoming County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.

* 1. Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

* 1. Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this Zoning Ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

### District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

* 1. Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

1. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
2. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
3. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.
   1. Uses Not Specified in Schedule of Uses
4. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
5. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
   1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
   2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
   3. The use is not permitted in any other zoning district.
6. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
7. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.
   1. Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.

* 1. Table of Uses Permitted by District

The Table of Uses by District which follows summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.

**ACCESSORY USES PERMITTED IN R, RA and CI DISTRICTS** (Zoning Officer)

* + - Accessory uses customary to approved uses
    - Barns, silos, sheds, and similar agricultural buildings
    - Day care, adult and child as a home occupation
    - Essential services (permit not required)
    - Home greenhouses
    - Private garages, carports, sheds
    - Private swimming pools
    - Required parking areas (permit not required)
    - Signs accessory to approved uses
    - Solar collectors, accessory
    - Stables, private in association with a single-family detached dwelling
    - Wind turbine generators, accessory
    - Yard sales (permit not required)

### R - RESIDENTIAL DISTRICT -- SCHEDULE OF USES

|  |  |
| --- | --- |
| INTENT: To provide areas adequate to accommodate single-family and two-family housing needs and recognize existing residential communities. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods. Concurrently, forestry enterprises and agriculture are permitted, with a minimum parcel size required for livestock operations. | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Crop production (permit not required) * Forestry enterprises (permit not required) * Group homes * Livestock operations - minimum of fifteen (15) acres * Oil and gas wells (minimum 10- acre parcel required) * Retail sales of agricultural products produced and/or processed on the premises (permit not required) * Single-family detached dwellings * Two-family dwellings     NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2. | **CONDITIONAL USES**  (Planning Commission /Board of Supervisors)   * Home occupations (See §503 which classifies certain home occupations as accessory uses.) * Schools, public or private, primary or secondary   **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Public parks and playgrounds * Public and semi-public buildings and uses * Municipal buildings and uses |

**RA - RURAL AGRICULTURAL DISTRICT -- SCHEDULE OF USES**

|  |  |
| --- | --- |
| INTENT: To maintain the existing character of the traditional rural working landscape. The continued use of land for agriculture and forestry enterprises is permitted, protected and encouraged. Recognizing the need for landowners to have economic opportunity not related to natural resources, residential development, limited recreational uses, certain institutional uses, and a number of other commercial uses are permitted subject to performance standards. | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Art studios\* * Bed and breakfast establishments\* * Boarding and lodging houses\* * Clubs/lodges, private\* * Commercial greenhouses and nurseries * Contractor’s yards\* * Crop production (permit not required) * Day care, adult and child * Forestry enterprises (permit not required) * Group homes * Livestock operations - minimum of five (5) acres (permit not required) * Manufacturing, light\* * Medical clinics\* * Office buildings\* * Oil and gas wells * Professional offices\* * Recreational facilities, commercial\* * Restaurants, traditional\* * Retail businesses\* * Retail sales of agricultural products produced and/or processed on the premises (permit not required) * Self-storage facilities\* * Service establishments\* * Single-family detached dwellings * Stables, commercial, and horses for hire * Storage yards for forest products and minerals\* * Township buildings and uses * Two-family dwellings * Veterinary clinics\*   \*CONDITIONAL USE - Considered a conditional use if the proposed use is located within 300 feet of any neighboring parcel with an existing residential dwelling. Measured from the physical location of the proposed use to the property line of the neighboring parcel. | **CONDITIONAL USES**  (Planning Commission /Board of Supervisors)   * Agricultural products processing * Archery ranges, outdoor commercial * Campgrounds and recreational vehicle parks * Cemeteries * Colleges and universities * Commercial communication device sites * Concentrated animal feeding operations (CAFO’s) * Gas compressor stations * Gas metering stations * Home occupations (See §503 which classifies certain home occupations as accessory uses.) * Hydraulic fracturing water withdrawal facilities * Industrial wastewater treatment facilities * Kennels and pounds * Mineral extraction * Mineral processing in association with mineral extraction per §825.3 * Mobile home parks * Multi-family dwellings at the same density as two-family dwellings * Places of worship * Sawmills * Shooting ranges, outdoor commercial * Solar power generation, commercial * Student housing * Vehicle or equipment sales, rental or repair operations * Wind energy facilities   **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Public and semi-public buildings and uses * Public parks and playgrounds * Recreational facilities, public * Schools, public or private primary or secondary   NOTE: Uses not specifically listed by this schedule shall not be permitted in the RA District except as approved in accord with §404.2. |

|  |  |
| --- | --- |
| INTENT: To reserve those areas in the Municipalities best suited for manufacturing and industry, uses with potential for greater community impact, and other offensive uses based on location, existing uses and facilities, and the relationship to other land uses. | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Art studios * Banks * Bed and breakfast establishments * Boarding and lodging houses * Clubs/lodges, private * Contractor’s yards * Crop production (permit not required) * Day care, adult and child * Exercise clubs * Forestry enterprises (permit not required) * Group homes * Hotels * Livestock operations - minimum of fifteen (15) acres (permit not required) * Manufacturing, light * Medical clinics * Motels * Nursing homes * Office buildings * Oil and gas wells * Places of worship * Professional offices * Recreational facilities, commercial * Restaurants, traditional * Retail businesses * Retail sales of agricultural / forestry products produced and/or processed on the premises (permit not required) * Self-storage facilities * Service establishments * Single-family detached dwellings * Stables, commercial, and horses for hire * Theaters, indoor * Township buildings and uses * Trade schools * Two-family dwellings * Vehicle or equipment sales or rental operations * Veterinary clinics * Wholesale businesses   **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Public and semi-public buildings and uses * Public parks and playgrounds * Recreational facilities, public * Schools, public or private primary or secondary | **CONDITIONAL USES**  (Planning Commission /Board of Supervisors)   * Agricultural products processing * Aircraft sales, repair or modification * Airports, private and public * Amusement arcades * Animal hospitals * Bulk fuel storage * Bus terminals * Car and truck washes * Commercial communication device sites * Convenience stores * Crematoria * Detention facilities * Fireworks manufacturing and storage * Funeral homes * Group quarters * Health facilities * Heliports, accessory and commercial * Home occupations (See §503 which classifies certain home occupations as accessory uses.) * Indoor shooting ranges * Industrial wastewater treatment facilities * Junkyards * Manufacturing and industry * Mineral processing * Mobile and manufactured home sales * Multi-family dwellings * Outdoor entertainment * Recycling collection facilities, large and small * Restaurants, drive-in * Retail home heating fuel distributors * Sawmills * Shopping centers * Solid waste facilities and staging areas * Theaters * Truck terminals / distribution facilities * Vehicle or equipment repair operation * Warehouses   NOTE: Uses not specifically listed by this schedule shall not be permitted in the CI District except as approved in accord with §404.2. |

**CLINTON TOWNSHIP DISTRICTS CI - COMMERCIAL-INDUSTRIAL DISTRICT -- SCHEDULE OF USES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CLINTON TOWNSHIP DISTRICTS – R, RA & CI SCHEDULE OF DEVELOPMENT STANDARDS** | | | | |
| NOTE: Larger lot sizes, setbacks or other standards may be required by other sections of this Ordinance. In any case the | | | | |
| **Minimum lot size and density** | | | | |
| Type of  Sewage Disposal and Water Supply | Minimum Lot Size | | Minimum Land Area for | |
| single-family | two-family |
| on-site sewage disposal **and** on-site water | 1.00 | 1.50 | Multi-Family Dwellings (central sewage  **and** central water required)  See §603 | |
| on-site sewage disposal **and** central water | 1.00 | 1.50 |
| central sewage **and** on-site water | 0.50 | 0.75 |
| central sewage **and** central water | 0.50 | 0.75 |
| **Lot dimensions for lots proposed in a standard subdivision** (See §601 for Conservation Design) | | | | |
|  | Lot size equal to or greater than (acres) | | |  |
| 1.00 | 0.75 | 0.50 |
| Minimum width (feet) | 125 | 100 | 75 |
| Maximum depth to width ratio | 4:1 | 4:1 | 4:1 |
| Minimum street frontage (feet) | not less than 50% of required lot width except | | |
| **Minimum building setback requirements for all uses** (See §601 for Conservation Design) | | | | |
|  | Lot size equal to or greater than (acres) | | | nonconforming lots less than  0.50 acres |
| 1.00 | 0.75 | 0.50 |
| Front - from edge of each right-of-way (feet) | 30 | 25 | 25 | 20 |
| Each side - from property line (feet) | 20 | 20 | 15 | 15 |
| Rear - from property line (feet) | 20 | 20 | 15 | 15 |
| **Residential maximum lot coverage** (percent) | 25 | 25 | 30 | 30 |
| **Non-residential maximum lot coverage** (percent) | commercial and institutional - 60 | | | |
| **Maximum building height** (feet) -- see §501.4 for exc | eptions | | | |
| residential | 35 | | | |
| commercial and institutional | 40 | | | |
| light manufacturing; manufacturing and industry | 40 | | | |

**NICHOLSON BOROUGH DISTRICTS**

**ACCESSORY USES PERMITTED IN ALL NICHOLSON BOROUGH DISTRICTS** (Zoning Officer)

* + - Accessory uses customary to approved uses
    - Barns, silos, sheds, and similar agricultural buildings
    - Day care, adult and child as a home occupation
    - Essential services
    - Home greenhouses
    - Private garages, carports, sheds
    - Private swimming pools
    - Required parking areas
    - Signs accessory to approved uses
    - Solar collectors, accessory
    - Stables, private in association with a single-family detached dwelling
    - Wind turbine generators, accessory
    - Yard sales

### R-1 - RESIDENTIAL LOW DENSITY DISTRICT

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | | | |
| INTENT: To provide areas adequate to accommodate single-family housing needs and recognize and protect existing residential neighborhoods. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with such residential neighborhoods. | | | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Borough buildings and uses * Crop production * Forestry enterprises * Group homes * Single-family detached dwellings * Two-family dwellings | | | **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Home occupations\* * Places of worship * Public parks and playgrounds * Public and semi-public buildings and uses * Recreational facilities, public * Schools, public or private, primary or secondary | | | |
| **CONDITIONAL USES**  (Planning Commission /Borough Council)  - None | | | \*See §503 which classifies certain home occupations as accessory uses. | | | |
|  | | | NOTE: Uses not specifically listed by this schedule shall not  be permitted in the R-1 District except as approved in accord with §404.2. | | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | Central Water and  Central Sewer | | Central Water | On-Site Water and  On-Site Sewer |  |
| Minimum lot area | 7,500 square feet | | 15,000 square feet | 1 acre |
| Minimum lot width | 50 feet | | 100 feet | 100 feet |
| Minimum setback for principal structures  Front yard Rear yard Each side yard | 20 feet  20 feet  12 feet | | 25 feet  25 feet  20 feet | 25 feet  25 feet  25 feet |
| Minimum setback for accessory structures  Front yard Rear yard Each side yard | not permitted 5 feet  5 feet | | not permitted 5 feet  5 feet | not permitted 10 feet  10 feet |
| Maximum height | 2.5 stories or 40 feet | | | |
| Maximum lot coverage | 75 percent | | 60 percent | 50 percent |

**NICHOLSON BOROUGH DISTRICTS R-2 - RESIDENTIAL MEDIUM DENSITY DISTRICT**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | | | |
| INTENT: To provide areas adequate to accommodate single-family, two-family and multi-family housing needs and recognize and protect existing residential neighborhoods. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public, semi- public, and commercial uses compatible with such residential neighborhoods. | | | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Borough buildings and uses * Crop production * Forestry enterprises * Group homes * Multi-family dwellings * Single-family detached dwellings * Two-family dwellings     **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None   NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-2 District except as approved in accord with §404.2. | | | **SPECIAL EXCEPTIONS** | | | |
| (Planning Commission / Zoning Hearing Board) | | | |
| - Bed and breakfast establishments | | | |
| - Boarding and lodging houses | | | |
| - Day care, adult | | | |
| - Day care, child | | | |
| - Funeral homes | | | |
| - Home occupations\* | | | |
| - Nursing homes | | | |
| - Places of worship | | | |
| - Professional offices | | | |
| - Public parks and playgrounds | | | |
| - Public and semi-public buildings and uses | | | |
| - Recreational facilities, public | | | |
| - Schools, public or private, primary or secondary | | | |
| - Student housing | | | |
| \*See §503 which classifies certain home occupations as | | | |
| accessory uses. | | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | Single-Family and Two-Family Dwellings | | Multi-Family Dwellings | Other Uses |  |
| Minimum lot area | 7,500 square feet | | 7,500 square feet | 15,000 square feet |
| Minimum lot width | 50 feet | | 50 feet | 100 feet |
| Minimum setback for principal structures  Front yard Rear yard Each side yard | 20 feet  20 feet  12 feet | | 20 feet  20 feet  12 feet | 25 feet  25 feet  25 feet |
| Maximum height | 2.5 stories or 40 feet | | | |
| Maximum lot coverage | 75 percent | | 75 percent | 60 percent |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | | | |
| INTENT: To provide areas adequate to accommodate single-family, two-family, multi-family, and mobilehome park housing needs and recognize and protect existing residential neighborhoods. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public, semi-public, and commercial uses compatible with such residential neighborhoods. | | | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Borough buildings and uses * Crop production * Forestry enterprises * Group homes * Multi-family dwellings * Single-family detached dwellings * Two-family dwellings     **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None   NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-3 District except as approved in accord with §404.2. | | | **SPECIAL EXCEPTIONS** | | | |
| (Planning Commission / Zoning Hearing Board) | | | |
| - Bed and breakfast establishments | | | |
| - Boarding and lodging houses | | | |
| - Colleges and universities | | | |
| - Day care, adult | | | |
| - Day care, child | | | |
| - Funeral homes | | | |
| - Group quarters | | | |
| - Home occupations\* | | | |
| - Mobilehome parks | | | |
| - Nursing homes | | | |
| - Places of worship | | | |
| - Public parks and playgrounds | | | |
| - Public and semi-public buildings and uses | | | |
| - Recreational facilities, public | | | |
| - Schools, public or private, primary or secondary | | | |
| \*See §503 which classifies certain home occupations as | | | |
| accessory uses. | | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | Central Water and  Central Sewer | | Central Water | On-Site Water and  On-Site Sewer |  |
| Minimum lot area | 7,500 square feet | | 15,000 square feet | 1 acre |
| Minimum lot width | 50 feet | | 100 feet | 100 feet |
| Minimum setback for principal structures  Front yard Rear yard Each side yard | 20 feet  20 feet  12 feet | | 25 feet  25 feet  20 feet | 25 feet  25 feet  25 feet |
| Minimum setback for accessory structures  Front yard Rear yard Each side yard | not permitted 5 feet  5 feet | | not permitted 5 feet  5 feet | not permitted 5 feet  5 feet |
| Maximum height | 2.5 stories or 40 feet | | | |
| Maximum lot coverage | 75 percent | | 60 percent | 50 percent |

**NICHOLSON BOROUGH DISTRICTS R-3 - RESIDENTIAL HIGH DENSITY DISTRICT**

**NICHOLSON BOROUGH DISTRICTS**

**B-1 - BUSINESS DISTRICT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | |
| INTENT: To meet the daily business and community needs of nearby residents and to encourage a mix of uses typically found in traditional villages. Residential and public and semi-public uses are permitted along with limited scale and less intensive types of commercial trades and service activities in areas close to major highways. | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Art studios * Banks * Bed and breakfast establishments * Boarding and lodging houses * Borough buildings and uses * Clubs/lodges, private * Day care, adult and child * Forestry enterprises * Group homes * Hotels * Medical clinics * Motels * Nursing homes * Office buildings * Places of worship * Professional offices * Public and semi-public buildings and uses * Public parks and playgrounds * Recreational facilities, commercial * Recreational facilities, public * Restaurants, traditional * Retail businesses * Schools, public or private, primary or secondary * Service establishments * Single-family detached dwellings * Taverns * Theaters, indoor * Trade schools * Two-family dwellings * Veterinary clinics * Wholesale businesses | | **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Abused person shelter * Amusement arcades * Animal hospitals * Car and truck washes * Convenience stores * Funeral homes * Group quarters * Health facilities * Home based businesses if not a principal permitted use * Home occupations\* * Indoor shooting ranges * Multi-family dwellings * Outdoor entertainment * Restaurants, drive-in * Shopping centers * Vehicle or equipment repair operation * Warehouses   \*See §503 which classifies certain home occupations as accessory uses.  **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None   NOTE: Uses not specifically listed by this schedule shall not be permitted in the B-1 District except as approved in accord with §404.2. | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | | All Uses |  |
| Minimum lot area | | 15,000 square feet |
| Minimum lot width | | 100 feet |
| Minimum setback for principal and accessory structures  Front yard Rear yard (if accessed by public road or private vehicular easement)  Each side yard | | 10 feet  20 feet  5 feet |
| Maximum height | | 2.5 stories or 40 feet |
| Maximum lot coverage | | 90 percent |

**NICHOLSON BOROUGH DISTRICTS**

* 1. **- INDUSTRIAL DISTRICT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | |
| INTENT: To reserve those areas in the Borough best suited for manufacturing and industry uses with potential for community impact based on location, existing uses and facilities, and the relationship to other land uses. | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Contractor’s yards * Manufacturing, light * Office buildings * Recycling collection facilities, large and small * Retail home heating fuel distributors * Self-storage facilities * Vehicle or equipment repair operation * Vehicle or equipment sales or rental operations * Warehouses     **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None     NOTE: Uses not specifically listed by this schedule shall not be permitted in the I-1 District except as approved in accord with §404.2. | | **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Agricultural products processing * Betting and gambling uses   -- Bus terminals   * Commercial communication device sites * Crematoria * Gas compressor stations * Gas metering stations * Home occupations\* * Manufacturing and industry * Mobile and manufactured home sales * Recreational facilities, commercial * Storage yards for forest products and minerals * Truck terminals / distribution facilities   \*See §503 which classifies certain home occupations as accessory uses. | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | | All Uses |  |
| Minimum lot area | | 40,000 square feet |
| Minimum lot width | | 150 feet |
| Minimum setback for principal and accessory structures  Front yard Rear yard Each side yard | | 25 feet  10 feet  30 feet |
| Maximum height | | 40 feet |
| Maximum lot coverage | | 80 percent |

**NICHOLSON BOROUGH DISTRICTS**

* 1. **- INDUSTRIAL DISTRICT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | |
| INTENT: To reserve those areas in the Borough best suited for manufacturing and industry uses with potential for community impact based on location, existing uses and facilities, and the relationship to other land uses. | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Contractor’s yards * Manufacturing, light * Office buildings * Recycling collection facilities, large and small * Retail home heating fuel distributors * Self-storage facilities * Vehicle or equipment repair operation * Vehicle or equipment sales or rental operations * Warehouses     **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None   NOTE: Uses not specifically listed by this schedule shall not be permitted in the I-1 District except as approved in accord with §404.2. | | **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Adult businesses * Agricultural products processing * Aircraft sales, repair or modification * Airports, private and public * Betting and gambling uses * Bulk fuel storage * Bus terminals * Commercial communication device sites * Crematoria * Detention facilities * Home occupations\* * Manufacturing and industry * Mobile and manufactured home sales * Race tracks * Recreational facilities, commercial * Slaughter houses * Storage yards for forest products and minerals * Truck terminals / distribution facilities * Zoos and menageries   \*See §503 which classifies certain home occupations as accessory uses. | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | | All Uses |  |
| Minimum lot area | | 40,000 square feet |
| Minimum lot width | | 150 feet |
| Minimum setback for principal and accessory structures  Front yard Rear yard Each side yard | | 25 feet  10 feet  30 feet |
| Maximum height | | 40 feet |
| Maximum lot coverage | | 80 percent |

**NICHOLSON BOROUGH DISTRICTS**

**C-1 - CONSERVATION DISTRICT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SCHEDULE OF USES** | | | | |
| INTENT: To provide areas where housing is limited to single-family detached dwellings at a density on one unit per acre, forestry and agriculture are encourage, and certain uses requiring larger land areas are permitted. | | | | |
| **PRINCIPAL PERMITTED USES**  (Zoning Officer)   * Borough buildings and uses * Cluster development * Crop production * Forestry enterprises * Group homes * Hunting and fishing clubs * Livestock operations * Single-family detached dwellings   **CONDITIONAL USES**  (Planning Commission /Borough Council)   * None | | **SPECIAL EXCEPTIONS**  (Planning Commission / Zoning Hearing Board)   * Archery ranges, outdoor commercial * Campgrounds and recreational vehicle parks * Home occupations\* * Oil and gas wells (minimum 15- acre parcel required) * Public parks and playgrounds * Public and semi-public buildings and uses * Recreational facilities, public * Stables, commercial, and horses for hire   \*See §503 which classifies certain home occupations as accessory uses.  NOTE: Uses not specifically listed by this schedule shall not be permitted in the C-1 District except as approved in accord with §404.2. | | |
|  | **SCHEDULE OF DEVELOPMENT STANDARDS** | | All Uses |  |
| Minimum lot area | | 1 acre |
| Minimum lot width | | 200 feet |
| Minimum setback for principal and accessory structures  Front yard Rear yard Side yard | | 50 feet  50 feet  30 feet |
| Maximum height | | 2.5 stories or 40 feet |
| Maximum lot coverage | | 60 percent |

# TABLE OF USES PERMITTED BY DISTRICT

## (See §404.4)

The Table of Uses by District which follows summarizes the various uses according to the classification of the use in the zoning districts. The Table is for reference only and the Schedule of Uses and all underlying Zoning Ordinance sections shall be the final determinant for regulation.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **TABLE OF USES PERMITTED BY DISTRICT**- ***CLINTON TOWNSHIP*** | | | | |
| CODES:  P = principal permitted use C = conditional use S = special exception N = not permitted  P\* = considered a conditional use if the proposed use is located within 300 feet of any neighboring parcel with an existing residential dwelling. Measured from the physical location of the proposed use to the property line of the neighboring parcel. | | **ZONING DISTRICTS** | | |
| **TYPE OF USE** | |
| **ACCESSORY USES** | **section** | **R** | **RA** | **CI** |
| Accessory uses customary to approved uses | -- | P | P | P |
| Barns, silos, sheds and similar agricultural buildings | -- | P | P | P |
| Day care, adult and child as a home occupation | -- | P | P | P |
| Essential services | -- | P | P | P |
| Home greenhouses | 503.5 | P | P | P |
| Private garages, carports, sheds | -- | P | P | P |
| Private swimming pools | 503.6 | P | P | P |
| Required parking areas | -- | P | P | P |
| Signs accessory to approved uses | -- | P | P | P |
| Solar collectors, accessory | 503.12 | P | P | P |
| Stables, private in association with a single family detached dwelling | 806.2 | P | P | P |
| Wind turbine generators, accessory | 503.12 | P | P | P |
| Yard sales | 503.7 | P | P | P |
| **RESIDENTIAL USES** | **section** | **R** | **RA** | **CI** |
| Boarding and lodging houses | 611 | N | P\* | P |
| Campgrounds and recreational vehicle parks | -- | N | C | N |
| Group homes | 605 | P | P | P |
| Group quarters | -- | N | N | C |
| Mobile home parks | 607 | N | C | N |
| Multi-family dwellings | 603 | N | N | C |
| Multi-family dwellings at same density as two-family dwellings | -- | N | C | N |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Nursing homes | -- | N | N | P |
| Single family detached dwellings | -- | P | P | P |
| Student housing | -- | N | C | N |
| Two-family dwellings | 602 | P | P | P |
| **COMMERCIAL and MANUFACTURING USES** | | | | |
| **Retail, Service and Health Related Commercial Uses** | **section** | **R** | **RA** | **CI** |
| Abused person shelter |  | N | N | N |
| Animal hospitals | -- | N | N | C |
| Banks | -- | N | N | P |
| Car and truck washes | 856.1 | N | N | C |
| Convenience stores | -- | N | N | C |
| Day care, adult | -- | N | P | P |
| Day care, child | -- | N | P | P |
| Exercise clubs | -- | N | N | P |
| Funeral homes | -- | N | N | C |
| Gas compressor stations | 827 | N | C | N |
| Gas metering stations | 827 | N | C | N |
| Health facilities | 853 | N | N | C |
| Industrial wastewater treatment facilities | 817 | N | C | C |
| Hydraulic fracturing water withdrawal facilities | 817 | N | C | N |
| Kennels and pounds | 806.1 | N | C | N |
| Medical clinics | 853 | N | P\* | P |
| Mobile and manufactured home sales | -- | N | N | C |
| Office buildings | -- | N | P\* | P |
| Professional offices | -- | N | P\* | P |
| Restaurants, drive-in | -- | N | N | C |
| Restaurants, traditional | -- | N | P\* | P |
| Retail businesses | -- | N | P\* | P |
| Retail businesses with 10,000 square feet or less of gross floor area | -- | N | N | N |
| Retail businesses with 20,000 square feet or less of gross floor area | -- | N | N | N |
| Retail sales limited to 1,000 sq. ft. of agricultural/forestry related products | -- | N | N | N |
| Retail sales of agricultural products produced and/or processed on the | -- | P | P | N |
| Retail sales of agricultural/forestry products produced and/or processed on | -- | N | N | P |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Self-storage facilities | 841 | N | P\* | P |
| Service establishments | -- | N | P\* | P |
| Shopping centers | 845 | N | N | C |
| Treatment centers/clinics | 853 | N | N | N |
| Vehicle or equipment repair operation | 856 | N | C | C |
| Vehicle or equipment sales or rental operations | 856 | N | C | P |
| Veterinary clinics | -- | N | P\* | P |
| **Recreation Related Commercial Uses** | **section** | **R** | **RA** | **CI** |
| Amusement arcades | -- | N | N | C |
| Archery ranges, outdoor commercial | 844 | N | C | N |
| Bed and breakfast establishments | 610 | N | P\* | P |
| Hotels | 611 | N | N | P |
| Motels | 611 | N | N | P |
| Outdoor entertainment | -- | N | N | C |
| Race tracks | 856.4 | N | N | N |
| Recreational facilities, commercial | -- | N | P\* | P |
| Shooting ranges, indoor | -- | N | N | C |
| Shooting ranges, outdoor commercial | 844 | N | C | N |
| Stables, commercial (minimum of fifteen (15) acres) | -- | N | N | N |
| Stables, commercial and horses for hire | 806.3 | N | P | P |
| Theaters | -- | N | N | C |
| Theaters, indoor | -- | N | N | P |
| Zoos and menageries | 806.4 | N | N | N |
| **Manufacturing, Warehousing and Similar Uses** | **section** | **R** | **RA** | **CI** |
| Agricultural products processing | -- | N | C | C |
| Agricultural products processing with 10,000 square feet or less of gross | -- | N | N | N |
| Agricultural products processing only for products raised on the premises | -- | N | N | N |
| Bulk fuel storage | 808 | N | N | C |
| Bus terminals | -- | N | N | C |
| Contractor’s yards | -- | N | P\* | P |
| Fireworks manufacturing and storage | -- | N | N | C |
| Manufacturing, light | -- | N | P\* | P |
| Manufacturing and industry | -- | N | N | C |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Recycling collection facilities, large and small | -- | N | N | C |
| Retail home heating fuel distributors | -- | N | N | C |
| Truck terminals/distribution facilities | -- | N | N | C |
| Warehouses | -- | N | N | C |
| Wholesale businesses | -- | N | N | P |
| **Miscellaneous Uses** | **section** | **R** | **RA** | **CI** |
| Adult businesses | 801 | N | N | N |
| Aircraft sales, repair or modification | -- | N | N | C |
| Airports, private and public | -- | N | N | C |
| Art studios | -- | N | P\* | P |
| Betting and gambling uses | 817 | N | N | N |
| Commercial communication device sites | 809 | N | C | C |
| Crematoria | -- | N | N | C |
| Detention facilities | 813 | N | N | C |
| Heliports, accessory | 503.9 | N | N | C |
| Heliports, commercial | -- | N | N | C |
| Home based businesses | -- | N | N | N |
| Home based business if not a principal permitted use | -- | N | N | N |
| Home occupations | 503 | C | C | C |
| Junk yards | 820 | N | N | C |
| Solid waste facilities and staging areas | 848 | N | N | C |
| **PUBLIC, SEMI-PUBLIC, COMMUNITY RELATED USES** | **section** | **R** | **RA** | **CI** |
| Cemeteries | -- | N | C | N |
| Clubs/lodges, private | -- | N | P\* | P |
| Colleges and universities | -- | N | C | N |
| Places of worship | -- | N | C | P |
| Public and semi-public buildings and uses | -- | S | S | S |
| Public parks and playgrounds | -- | S | S | S |
| Recreational facilities, public | -- | N | S | S |
| Schools, public or private primary or secondary | -- | C | S | S |
| Township buildings and uses | -- | S | P | P |
| Trade schools | -- | N | N | P |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **AGRICULTURAL AND NATURAL RESOURCE USES** | **section** | **R** | **RA** | **CI** |
| Agriculture related entertainment | -- | N | N | N |
| Commercial greenhouses and nurseries | -- | N | P | N |
| Concentrated animal feeding operations (CAFO’s) | -- | N | C | N |
| Crop production | 803.1 | P | P | P |
| Forestry enterprises | -- | P | P | P |
| Livestock operations | 803.2 | N | N | N |
| Livestock operations on a minimum of five (5) acres | -- | N | P | N |
| Livestock operations on a minimum of fifteen (15) acres | -- | P | N | P |
| Mineral extraction | 825 | N | C | N |
| Mineral processing | -- | N | N | C |
| Mineral processing in association with mineral extraction | 825.3 | N | C | N |
| Oil and gas wells | 825 | N | P | P |
| Oil and gas wells (minimum 10-acre parcel required) | 825 | P | P | P |
| Sawmills | -- | N | C | C |
| Slaughter houses | -- | N | N | N |
| Solar power generation, commercial | 847 | N | C | N |
| Storage yards for forest products and minerals | 850 | N | P\* | N |
| Storage yards for forest product and stone | -- | N | N | N |
| Wind energy facilities | 858 | N | C | N |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TABLE OF USES PERMITTED BY DISTRICT**- ***NICHOLSON BOROUGH*** | | | | | | | | |
| CODES: P = principal permitted use C = conditional use | | **ZONING DISTRICTS** | | | | | | |
| **TYPE OF USE** |  |
| **ACCESSORY USES** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Accessory uses customary to approved uses | -- | P | P | P | P | P | P | P |
| Barns, silos, sheds and similar agricultural buildings | -- | P | P | P | P | P | P | P |
| Day care, adult and child as a home occupation | -- | P | P | P | P | P | P | P |
| Essential services | -- | P | P | P | P | P | P | P |
| Home greenhouses | 503.5 | P | P | P | P | P | P | P |
| Private garages, carports, sheds | -- | P | P | P | P | P | P | P |
| Private swimming pools | 503.6 | P | P | P | P | P | P | P |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Required parking areas | -- | P | P | P | P | P | P | P |
| Signs accessory to approved uses | -- | P | P | P | P | P | P | P |
| Solar collectors, accessory | 503.12 | P | P | P | P | P | P | P |
| Stables, private in association with a single family detached | 806.2 | P | P | P | P | P | P | P |
| Wind turbine generators, accessory | 503.11 | P | P | P | P | P | P | P |
| Yard sales | 503.7 | P | P | P | P | P | P | P |
| **RESIDENTIAL USES** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Boarding and lodging houses | 611 | N | S | S | P | N | N | N |
| Campgrounds and recreational vehicle parks | -- | N | N | N | N | N | N | S |
| Cluster development | -- | N | N | N | N | N | N | P |
| Group homes | 605 | P | P | P | P | N | N | P |
| Group quarters | -- | N | N | S | S | N | N | N |
| Mobile home parks | 607 | N | N | S | N | N | N | N |
| Multi-family dwellings | 603 | N | P | P | S | N | N | N |
| Multi-family dwellings at same density as 2-family dwellings | -- | N | N | N | N | N | N | N |
| Nursing homes | -- | N | S | S | P | N | N | N |
| Single family detached dwellings |  | P | P | P | P | N | N | P |
| Student housing | -- | N | S | N | N | N | N | N |
| Two-family dwellings | 602 | P | P | P | P | N | N | N |
| **COMMERCIAL and MANUFACTURING USES** | | | | | | | | |
| **Retail, Service and Health Related Commercial Uses** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Abused person shelter | -- | N | N | N | S | N | N | N |
| Animal hospitals | -- | N | N | N | S | N | N | N |
| Banks | -- | N | N | N | P | N | N | N |
| Car and truck washes | 856.1 | N | N | N | S | N | N | N |
| Convenience stores | -- | N | N | N | S | N | N | N |
| Day care, adult | -- | N | S | S | P | N | N | N |
| Day care, child | -- | N | S | S | P | N | N | N |
| Exercise clubs | -- | N | N | N | N | N | N | N |
| Funeral homes | -- | N | S | S | S | N | N | N |
| Health facilities | 853 | N | N | N | S | N | N | N |
| Kennels and pounds | 806.1 | N | N | N | N | N | N | N |
| Medical clinics | 853 | N | N | N | P | N | N | N |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Mobile and manufactured home sales | -- | N | N | N | N | S | S | N |
| Office buildings | -- | N | N | N | P | P | N | N |
| Professional offices | -- | N | S | N | P | N | N | N |
| Restaurants, drive-in | -- | N | N | N | S | N | N | N |
| Restaurants, traditional | -- | N | N | N | P | N | N | N |
| Retail businesses | -- | N | N | N | P | N | N | N |
| Retail businesses with 10,000 square feet or less of gross | -- | N | N | N | N | N | N | N |
| Retail businesses with 20,000 square feet or less of gross | -- | N | N | N | N | N | N | N |
| Retail sales limited to 1,000 sq. ft. of agricultural/forestry | -- | N | N | N | N | N | N | N |
| Retail sales of agricultural/forestry products produced | -- | N | N | N | N | N | N | N |
| Self-storage facilities | 841 | N | N | N | N | P | P | N |
| Service establishments | -- | N | N | N | P | N | N | N |
| Shopping centers | 845 | N | N | N | S | N | N | N |
| Taverns | -- | N | N | N | P | N | N | N |
| Vehicle or equipment repair operation | 856 | N | N | N | S | P | P | N |
| Vehicle or equipment sales or rental operations | 856 | N | N | N | N | P | P | N |
| Veterinary clinics | -- | N | N | N | P | N | N | N |
| **Recreation Related Commercial Uses** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Amusement arcades | -- | N | N | N | S | N | N | N |
| Archery ranges, outdoor commercial | 844 | N | N | N | N | N | N | S |
| Bed and breakfast establishments | 610 | N | S | S | P | N | N | N |
| Hotels | 611 | N | N | N | P | N | N | N |
| Hunting and fishing clubs | -- | N | N | N | N | N | N | P |
| Motels | 611 | N | N | N | P | N | N | N |
| Outdoor entertainment | -- | N | N | N | S | N | N | N |
| Race tracks | 856.4 | N | N | N | N | N | S | N |
| Recreational facilities, commercial | -- | N | N | N | P | S | S | N |
| Shooting ranges, indoor | -- | N | N | N | S | N | N | N |
| Shooting ranges, outdoor commercial | 844 | N | N | N | N | N | N | N |
| Stables, commercial (minimum of fifteen (15) acres) | -- | N | N | N | N | N | N | N |
| Stables, commercial and horses for hire | 806.3 | N | N | N | N | N | N | S |
| Theaters, indoor | -- | N | N | N | P | N | N | N |
| Zoos and menageries | 806.4 | N | N | N | N | N | S | N |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Manufacturing, Warehousing and Similar Uses** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Agricultural products processing | -- | N | N | N | N | S | S | N |
| Agricultural products processing with 10,000 square feet or | -- | N | N | N | N | N | N | N |
| Bulk fuel storage | 808 | N | N | N | N | N | S | N |
| Bus terminals | -- | N | N | N | N | S | S | N |
| Contractor’s yards | -- | N | N | N | N | P | P | N |
| Fireworks manufacturing and storage | -- | N | N | N | N | N | N | N |
| Gas compressor stations | 827 | N | N | N | N | S | N | N |
| Gas metering stations | 827 | N | N | N | N | S | N | N |
| Manufacturing, light | -- | N | N | N | N | P | P | N |
| Manufacturing and industry | -- | N | N | N | N | S | S | N |
| Recycling collection facilities, large and small | -- | N | N | N | N | P | P | N |
| Retail home heating fuel distributors | -- | N | N | N | N | P | P | N |
| Truck terminals/distribution facilities | -- | N | N | N | N | S | S | N |
| Warehouses | -- | N | N | N | S | P | P | N |
| Wholesale businesses | -- | N | N | N | P | N | N | N |
| **Miscellaneous Uses** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Adult businesses | 801 | N | N | N | N | N | S | N |
| Aircraft sales, repair or modification | -- | N | N | N | N | N | S | N |
| Airports, private and public | -- | N | N | N | N | N | S | N |
| Art studios | -- | N | N | N | P | N | N | N |
| Betting and gambling uses | 817 | N | N | N | N | S | S | N |
| Commercial communication device sites | 809 | N | N | N | N | S | S | N |
| Crematoria | -- | N | N | N | N | S | S | N |
| Detention facilities | 813 | N | N | N | N | N | S | N |
| Heliports, accessory | 503.9 | N | N | N | N | N | N | N |
| Heliports, commercial | -- | N | N | N | N | N | N | N |
| Home based businesses | -- | N | N | N | N | N | N | N |
| Home based business if not a principal permitted use | -- | N | N | N | S | N | N | N |
| Home occupations | 503 | S | S | S | S | S | S | S |
| Junk yards | 820 | N | N | N | N | N | N | N |
| Solid waste facilities and staging areas | 848 | N | N | N | N | N | N | N |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **PUBLIC, SEMI-PUBLIC, COMMUNITY RELATED USES** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Borough buildings and uses | -- | P | P | P | P | N | N | P |
| Cemeteries | -- | N | N | N | N | N | N | N |
| Clubs/lodges, private | -- | N | N | N | P | N | N | N |
| Colleges and universities | -- | N | N | S | N | N | N | N |
| Places of worship | -- | S | S | S | P | N | N | N |
| Public and semi-public buildings and uses | -- | S | S | S | P | N | N | S |
| Public parks and playgrounds | -- | S | S | S | P | N | N | S |
| Recreational facilities, public | -- | S | S | S | P | N | N | S |
| Schools, public or private primary or secondary | -- | S | S | S | P | N | N | N |
| Trade schools | -- | N | N | N | P | N | N | N |
| **AGRICULTURAL AND NATURAL RESOURCE USES** | **section** | **R-1** | **R-2** | **R-3** | **B-1** | **I-1** | **I-2** | **C-1** |
| Agriculture related entertainment | -- | N | N | N | N | N | N | N |
| Commercial greenhouses and nurseries | -- | N | N | N | N | N | N | N |
| Concentrated animal feeding operations (CAFO’s) | -- | N | N | N | N | N | N | N |
| Crop production | 803.1 | P | P | P | N | N | N | P |
| Forestry enterprises | -- | P | P | P | P | N | N | P |
| Livestock operations | 803.2 | N | N | N | N | N | N | P |
| Mineral extraction | 825 | N | N | N | N | N | N | N |
| Mineral processing | -- | N | N | N | N | N | N | N |
| Mineral processing in association with mineral extraction | -- | N | N | N | N | N | N | N |
| Oil and gas wells (minimum 15-acre parcel required) | 825 | N | N | N | N | N | N | P |
| Sawmills | -- | N | N | N | N | N | N | N |
| Slaughter houses | -- | N | N | N | N | N | S | N |
| Storage yards for forest products and minerals | 850 | N | N | N | N | S | S | N |
| Storage yards for forest product and stone | -- | N | N | N | N | N | N | N |
| Wind energy facilities | 858 | N | N | N | N | N | N | N |

### ARTICLE V SUPPLEMENTARY REGULATIONS

1. **Introduction**

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

### Deviations From Required Sizes

No part of any structure, whether attached to the principal structure or not; including but not limited to, porches, carports, decks, balconies, chimneys, bay windows or overhangs shall project into any required yard. No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

* 1. Nonconforming Lots of Record See §911 of this Zoning Ordinance.
  2. Access Drives; Driveways

Access drives serving a permitted use shall be permitted in all yards except as may be otherwise regulated by this ordinance, and provided a buffer of five (5) feet is maintained from rear and side property lines.

* 1. Front Yard Exception

Where a vacant lot exists between two (2) improved lots, each of which has a building within twenty-five (25) feet of the property line separating the parcels, a building may be erected on the vacant lot with a front yard not less than the greater front yard of the two (2) adjoining buildings. However, the front yard setback shall not in any case be reduced to less than fifteen (15) feet, except in the B-1 District where it may be reduced to the lesser of the two (2) adjoining front yard setbacks.

* 1. Height Limitations

Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such structure which exceeds a height of fifty (50) feet shall be considered a special exception unless otherwise classified by this Ordinance.

* 1. Extension of Non-Conforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance.

* 1. Projections Into Yards (See §503.1 for accessory structures.)

Projections into required yards shall not be permitted. All parts of structures shall meet the required setbacks. Patios may be located in required yards not less than twenty (20) feet to any public road right-of-way or ten (10) to any property line unless the normal setbacks are less restrictive.

* 1. Reduction of Required Area or Space

The area or dimension of any existing lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance.

### Unique Lots, Yards and Building Locations

* 1. Two or More Uses on a Lot

1. Development Standards - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
2. Residential Density - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). (See Subsection E below for an exception.)
3. Non-Residential Uses - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
4. Residential and Non-Residential on the Same Lot
   1. R, RA and C-1 Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
   2. CI, I-1 and I-2 Districts - One (1) residential unit per property shall be permitted in association with a non- residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. The residential unit shall be occupied only by the owner or employee of the non-residential use(s). Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
5. Residential and Non-Residential in B-1 District Commercial Buildings - In the B-1 District dwelling units shall be permitted on the upper floors of commercial buildings. The number of dwelling units need not comply with the density requirements on the Schedule of Development Standards, provided the required number of off- street parking spaces are provided, required setbacks are maintained, and all other ordinance provisions are satisfied.
6. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (See §503.1 for accessory structures.)
   1. Street Frontage / Front Yards

A principal building shall be permitted only upon a lot with frontage on a public or private road right-of-way. Each yard of a lot which abuts a street shall be equal in size to the front yard required for the district. Any other yards may be considered side yards.

* 1. Clear View At Street Intersections

1. Clinton Township Zoning Districts - In Clinton Township Zoning Districts visual obstructions at street intersection including, but not limited to, structures, opaque fences, vegetation and signs, (excluding an existing building, post, public utility structures, column or deciduous tree) thirty (30) inches in height shall be prohibited on any lot within the triangle formed by the street right-of-way lines and a line drawn between points along the street right-of-way lines thirty (30) feet distant from their points of intersection. More restrictive standards shall be required in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.
2. Nicholson Borough Zoning Districts - In Nicholson Borough Zoning Districts the following shall apply:
   1. Intersection of Private Accessway and Public Street - There shall be a clear-sight triangle at the intersection of a private, vehicular accessway and a public street. The three (3) sides of the triangle shall be the intersecting edges of the travelways of the street and the accessway, and a diagonal connecting two (2) points, each at a distance of ten (10) feet from the point of intersection along the edge of each travelwav. No visual obstruction higher than two (2) feet shall be permitted in the clear-sight triangle.
   2. Intersection of Public Streets - There shall be a clear-sight triangle at the intersection of any public street with any other public street. The three (3) sides of the triangle shall be the intersecting street center lines and a diagonal connecting two (2) points, each at the end of a distance from the point of intersection along each centerline determined in accord with the Subdivision and Land Development ordinance.:
   3. Area to Remain Clear - The area of the clear-sight triangle shall be graded, and sight obstructions shall be removed so that vision between a height of from two (2) to ten (10) feet above the centerline grades of the intersecting streets is not obscured. Also, by deed or lease restriction, or by plan amendment. whichever method is applicable, vegetation shall not be planted or allowed to grow in such a manner as to obscure vision in the graded and cleared area.

### Accessory Structures and Uses

* 1. Accessory Structures

1. Minimum Regulations - All accessory structures shall conform to the minimum regulations established in Article IV except as permitted by Subsection B below.
2. Unattached Accessory Structures in Clinton Township Zoning Districts - In Clinton Township Zoning Districts, all unattached accessory structures shall comply with yard requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred twenty (120) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than ten (10) feet. In the case of corner lots, the full yard as specified in §502.2 shall be maintained. In addition, no accessory structure shall be erected within fifty (50) feet of any body of water.
3. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.
   1. Fences

The erection of any fence shall not require a zoning permit, but shall comply with §502.3 of this Ordinance for clear sight triangles, and in Nicholson Borough Zoning Districts fences shall not exceed a height of eight (8) feet.

* 1. Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

1. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
2. In R, R-1, R-2, R-3 and C-1 Districts the total area used by all home occupations on the premises shall not exceed one-third (1/3) of the floor area of the dwelling unit, including basement and accessory structures, or one thousand (1,000) square feet, whichever is less. In all other districts the total area shall not exceed fifty (50) percent of the dwelling unit, including basement and accessory structures.
3. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
4. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.
5. In R, R-1, R-2, R-3 and C-1 Districts the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed two (2).
6. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
7. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
8. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
9. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the R District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
10. In R, R-1, R-2, R-3 and C-1 Districts one (1) sign not more than four (4) square feet for each face shall be permitted in accord with Article XI. In all other districts the said sign shall not exceed ten (10) square feet for each face.
11. §701, Performance Standards, shall also apply to home occupations.
12. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral

parlors or other uses not meeting the requirements of this §503.3.1.

1. The following types of uses shall be permitted as accessory uses in all districts:
   1. Professional offices for single practitioners
   2. Rooming and/or housing of not more than two (2) persons.
   3. Custom dressmaking or tailoring.
   4. Foster family care for not more than four (4) children simultaneously.
   5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
   6. Tutoring for not more than four (4) children simultaneously.
   7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
   8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
   9. Single practitioner beauty shops and barbershops.
2. All applications for home occupations not specifically enumerated as permitted in §503.3.1,N shall not be permitted in the R District. In all other districts, all applications for home occupations not specifically enumerated as permitted in §503.3.1,N or excluded by §503.3.1,M, shall be considered conditional uses in Clinton Township Zoning Districts and special exceptions in Nicholson Borough Zoning Districts.
   1. Private Parking Areas, Garages Accessory to Residential Uses

Accessory off-street parking areas or garages serving the residential or non-residential parking demand created by the principal building are permitted in accord with §504. Accessory garages shall conform with §503.1.

* 1. Home Gardening, Nurseries and Greenhouses

Home gardening and accessory structures used for home nurseries or as home greenhouses are permitted in all Districts.

* 1. Private Outdoor Swimming Pools

1. A private in-ground or above-ground outdoor swimming pool is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests. Pools, pool decks, and any accessory paved areas shall not be located in any required front yard and shall comply with setbacks for unattached accessory structures.
2. Fences for pools shall be provided in accord with the PA Uniform Construction Code and access to all pools shall be restricted when the pool is not in use whether by fence, wall or integration in the pool design. A pool cover shall not be deemed adequate to meet this requirement.

B. A zoning permit or fence shall not be required for wading pools where the water does not exceed ten (10) inches in depth and which are not normally filled on a constant basis.

* 1. Yard Sales

Individual private family yard sales are a permitted accessory use in all Districts. Permits shall not be required but the following standards shall apply:

1. Each individual property location may have a maximum of five (5) yard sales during any one (1) calendar year and each sale shall last a maximum of three (3) consecutive days.
2. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and

crafts, and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in District where permitted in accord with the requirements of this Ordinance.

* 1. Stables, Private

Private stables are permitted in accord with the Schedule of Uses subject to the requirements of §806.2 of this Ordinance.

* 1. Heliports as an Accessory Use

Heliports as accessory uses, in addition to all other applicable Ordinance requirements, shall comply with the following standards.

1. Allowed only in the RA and CI Districts as a conditional use.
2. The applicant shall document compliance with all applicable state and federal regulations.
3. The landing pad shall be a minimum of two hundred and fifty (250) feet from any property line and not less than five hundred (500) feet from any R District or any existing dwelling not located on the parcel for which the heliport is proposed.
   1. Satellite Dish Antennae

All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required.

* 1. Wind Turbine Generators, Accessory

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following and other applicable standards of this Ordinance:

1. Height - The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer’s standards.
2. Setback
   1. No part of the wind turbine generator structure shall be located less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.
   2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.
3. Uniform Construction Code; Manufacturer’s Standards
   1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
   2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
   3. Prior to the issuance of a certificate of use by the Zoning Officer the applicant shall provide certification from a Pennsylvania Registered Professional Engineer that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.
4. Climb Prevention/Locks/Fence
   1. Wind turbines shall not include attached ladders or other such attachments that would allow access to the first fifteen (15) feet of the turbine above ground level.
   2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.
5. Noise and Shadow Flicker
   1. Audible sound from an accessory wind turbine generator shall comply with §701.6 of this Ordinance.
   2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
   3. For the purposes of this Subsection E, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
6. Color and Lighting; FAA - Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements.
7. Excess Electricity - Accessory wind turbine generators shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
8. Removal - The wind turbine generator and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.
   1. Solar Collectors, Accessory

An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

1. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.12 and other applicable standards of this Ordinance.
2. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. Mounting - A solar energy system may be roof mounted or ground mounted.
4. Height
   1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
   2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.
5. Setback
   1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
   2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
6. Mechanical Equipment - Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district and shall be screened from any adjacent property.
7. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
8. Uniform Construction Code; Manufacturer’s Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer’s standards.
9. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

### Off-Street Parking and Loading

* 1. Availability of Facilities

Off-street parking, loading, and unloading facilities and pedestrian access shall be provided to lessen congestion in the streets. The facilities required herein shall be available 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 lot space located off the public right-of-way.

* 1. Size and Design of Parking Spaces

Off-street parking areas shall be designed with sufficient space width and length, aisle widths, turning radii and maneuvering room, based upon a standard professional design guide acceptable to the Municipality, such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

* 1. Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways and otherwise meet the requirements of §701.8.

* 1. Public Rights-of-Way

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with applicable parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

* 1. Off-Street Parking in B-1 District

Off-street parking in the B-1 District in Nicholson Borough shall not be required except for residential uses.

* 1. Number of Spaces To Be Provided

1. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
2. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
3. Additional parking for the handicapped shall be provided in accord with §504.16.
4. Should the applicant provide evidence that the number of parking spaces required by this §504 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §504 and the applicant shall agree in writing to install the parking at the direction of the Governing Body. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §504.12).
5. For uses not specifically provided above, the Governing Body, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

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| Note: SFGFA means *square feet of gross floor area*. Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet. | |
| **USE** | **PARKING SPACES REQUIRED** |
| A. Dwellings | 2 per dwelling unit |
| B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and  similar uses | 3 per every 5 beds |
| C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations | 1.1 per bedroom |
| D. Sales and rental of goods, merchandise and equipment | |

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| --- | --- |
| 1. Retail establishments | 1 per 200 SFGFA open to the public |
| 2. Wholesale establishments | 1 per 800 SFGFA |
| 3. Flea markets | 1 per 200 square feet of lot area designated for display or sales |
| E. Offices, research facilities and services not primarily related to goods | |
| 1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents | 1 per 200 SFGFA |
| 2. Drive-in banks | 1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window |
| 3. Serving little or few customers or clients on premises, such as corporate offices | 1 per 250 SFGFA |
| 4. Funeral homes | 1 per 100 SFGFA open to the public |
| F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment | 1 per 600 SFGFA |
| G. Educational, cultural religious social, fraternal uses | |
| 1. Public schools | 1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools |
| 2. Trade and vocational schools, colleges | 1 per 100 SFGFA open to the public |
| 3. Churches, synagogues and temples | 1 per every 4 seats used for services |
| 4. Libraries and museums, social, fraternal clubs and lodges; and similar uses | 1 per 300 SFGFA open to the public |
| H. Recreation, amusement and entertainment | |
| 1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses | 1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA |
| 2. Movie theaters, stadiums and similar uses with seating accommodations | 1 per every 4 seats |
| 3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses | 1 per 200 SFGFA open to the public plus 1 per every 2 persons of fully utilized design capacity |
| 4. Commercial water craft docking facilities, including such facilities at waterfront marinas | 2 per every 3 slips |
| I. Hospitals, clinics and other medical treatment facilities | 1 per bed or 1 per 200 SFGFA, whichever is greater |
| J. Restaurants, bars, taverns and other eating establishments | 1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window |
| K. Vehicle related uses (See definition of “vehicle” in Article III.) | |
| 1. Sales, service, repair | 1 per 250 SFGFA |
| 2. Gas sales | 1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces |

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| --- | --- |
| 3. Car wash | 1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type |
| L. Warehousing and storage | 1 per 4,000 SFGFA |
| M. Miscellaneous uses | |
| 1. Veterinary | 1 per 200 SFGFA open to the public |
| 2. Nursery schools and day care | 1 per 150 SFGFA open to the public |
| 3. Greenhouses | 1 per 200 SFGFA open to the public |
| 4. Emergency services | 1 per 200 SFGFA open to the public |
| 5. Junk and scrap yards | 1 per 200 SFGFA open to the public |
| 6. Post office | 1 per 200 SFGFA open to the public |
| Note: SFGFA means *square feet of gross floor area*. Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet. | |

* 1. Loading and Unloading Areas (Not applicable in the B-1 District in Nicholson Borough.)

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other non-residential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

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| --- | --- | --- |
| **Largest Type of Truck** | **Minimum Width** | **Minimum Length** |
| Tractor trailer | 12 | 40 with 12 ft clear height |
| Trucks other than tractor |  |  |
| Pick-up truck or van | 9 | 18 |

* 1. Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

1. Width - Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows:

|  |  |  |
| --- | --- | --- |
| **WIDTH** | **1-Way Use** | **2-Way Use** |
| Minimum | 14 feet | 28 feet |
| Maximum | 35 feet | 50 feet |

1. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
2. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the Municipality or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Municipality may require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection. In making the determination of requiring a highway occupancy permit or a revised highway occupancy permit, the Municipality shall consider the following criteria:
   1. The anticipated increase in traffic volume. In the case of PA DOT permits, should the traffic increase from one level of permit to a higher level, a revised permit shall be required.
   2. The adequacy of the sight distance at the access to the property.
   3. Effectiveness or lack of existing traffic access controls such as curbing, fencing or landscaping.
   4. The number of parking and loading spaces available and the number required by this Zoning Ordinance.
   5. The occurrence of parking on the public road right-of-way and adjoining properties.
   6. Anticipated future development in the vicinity.
   7. Parking and Loading Area Setbacks

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area in accord with this §504.9 unless adjoining uses share parking in accord with §504.12.

1. Width - The width of the buffer shall not be less than:
   1. Fifteen (15) feet in Clinton Township Zoning Districts.
   2. Five (5) feet in Nicholson Borough Zoning Districts.
2. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs are provided.
3. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
   1. Paving except for approved driveway/access way crossings
   2. Fences unless integral to landscaping
   3. Parking, storage or display of vehicles
   4. Items for sale or rent
4. Uses Permitted - The buffer area may include the following:
   1. Permitted freestanding signs
   2. Pervious storm water facilities
   3. Approved driveway/access way crossings
5. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the paving.
   1. Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.

* 1. Off-Lot Parking

Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

* 1. Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §504.9. The standards in §504.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

* 1. Landscaping

All non-residential improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards and §701.2: (See also §706.1 which requires preservation of existing vegetation.)

1. Buffer Areas - The buffer area between the parking area and the public street required by §504.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or R, R-1, R-2 or R-3 District. No buffer shall violate clear site triangle requirements.
2. Parking Lot Interiors
   1. A minimum of ten (10) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained as landscaped open space. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. Such landscaped open space may be provided in the form of islands, aesthetic landscape treatments, pedestrian refuge/oasis areas, and may include the perimeter buffer between the parking lot and adjacent streets.
   2. Proposed parking areas of twenty-five (25) or more spaces shall also provide landscaped islands of a minimum width of nine (9) feet and eighteen (18) feet in length throughout the parking area planted with a mix of shrubs and trees. Such islands shall be located:
      1. At each parking lot entrance.
      2. At the ends of each parking aisle.
      3. As intermediate islands in long rows of spaces, located every fifteen (15) spaces.
      4. As separation between long rows of parking spaces where they abut other rows.
      5. As separation between pedestrian walkways and parking spaces and/or driving aisles.
   3. Not more than sixty (60) spaces shall be permitted in one (1) lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
   4. All landscaped islands shall be situated below the grade of the parking spaces and driving aisles such that stormwater runoff flow is directed to and trapped by such islands.
   5. A minimum of one (1) deciduous or evergreen tree and two (2) shrubs shall be planted on the parking lot islands for every ten (10) parking spaces. All deciduous trees to be planted shall have caliper of not less than two (2) inches with a mature height of not less than thirty-five (35) feet. Evergreen trees shall be planted at six (6) feet in height. Shrubs shall be either deciduous species planted at two and one-half (2.5) feet in height or evergreen species planted at two and one-half (2.5) in spread.
3. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Municipality. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
4. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Municipality.
   1. Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

* 1. Parking for Residential Use

Off-street parking shall be provided in accord with this §504 for all residential uses in all Districts.

* 1. Handicapped Parking

Handicapped parking shall be provided in accord with all applicable federal requirements.

* 1. Pedestrian Access and Circulation

The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

### Temporary Uses

* 1. Definition

A use that operates at a fixed location for a temporary period of time.

* 1. Zoning Permit; Land Development

1. Zoning Permit - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §505 and other applicable provisions of this Ordinance shall have first been issued.
2. Land Development - Land development approval under the Subdivision and Land development Ordinance shall not be required for temporary uses.
   1. Particular Temporary Uses Permitted

The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

1. Contractor's Office and Construction Equipment Sheds
   1. Permitted in any district as an accessory use where the office or shed is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
   2. Maximum length of permit shall be two (2) years.
   3. The office or shed shall be removed upon completion of the construction project.
   4. Required water supply and sanitary facilities shall be provided.
2. Real Estate Sales Office - Permitted in any district as an accessory use for any new subdivision approved in accord with the Subdivision and Land Development Ordinance.
   1. The office shall not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office
   2. Maximum length of permit shall be two (2) years
   3. The office shall be removed upon completion of the development of the subdivision.
   4. Required water supply and sanitary facilities shall be provided.
3. Temporary Shelter - When fire or natural disaster has rendered a single-family or two-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted as an accessory us subject to the following:
   1. Required water supply and sanitary facilities must be provided.
   2. Maximum length of the permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit
   3. The mobile home or recreational vehicle shall be removed from the property within thirty (30) days from the date of the issuance of the occupancy permit for the new or rehabilitated residence.
4. Temporary Accessory Uses/Structures for Public Road Construction Projects - This §505.3D shall apply only to uses and structures accessory to public road construction projects where such uses and structures are established at a fixed location and are removed when the construction project has been completed. Such uses include, but are not limited to, construction offices and sheds, equipment and material storage areas, and worker parking areas. The following shall apply:
   1. Zoning Permit Required - An accessory use permit evidencing compliance with the provisions of this Ordinance shall be required.
   2. Application - The application for the permit shall include all information required by §1202.3 and the planned construction schedule.
   3. Location - Any such temporary use or structure may be located in any zoning district, but only within the public road right-of-way at the construction site or on land abutting the right-of-way at the construction site.
   4. Applicability of Certain Requirements
      1. Within Right-of-Way - The required district setbacks, the maximum lot coverage and parking requirements shall not apply to any such temporary use or structure which is located within the public road right-of-way at the construction site.
      2. Land Abutting the Right-of-Way - The required district front setback and parking requirements shall not apply to any such temporary use or structure which is located on land abutting the right-of-way at the construction site; however, side and rear setbacks and the maximum lot coverage shall apply.
   5. Removal - All of the temporary accessory uses/structures shall be removed within thirty (30) days of the completion of the construction project.
   6. Liability - The road construction contractor shall enter into a *hold harmless* agreement with the Municipality, as approved by the Municipal Solicitor, indemnifying the Municipality from any liability associated with the issuance of the temporary permit.
5. Temporary Contractor Yards - A temporary contractor yard for the storage of equipment, materials and supplies for construction projects shall be permitted as a conditional use in any RA Rural-Agricultural District, CI Commercial-Industrial District, B-1Business District, I-1 Industrial District or I-2 Light Industrial District in accord with the following:
   1. Standards - The standards in §811 shall apply.
   2. Removal - The temporary contractors yard shall be removed in its entirety within thirty (30) days of the completion of the construction project.
   3. Temporary Uses by Conditional Use

For temporary structures or uses that are not specifically permitted by §505.3, a temporary permit may be issued by the Board of Supervisors as a conditional use subject to the following additional provisions:

1. Duration - The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of seven (7) days in any sixty (60) day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.
2. Statement from Owner - The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
3. Removal - Such structure or use shall be removed completely upon expiration of the permit without cost to the Municipality. If the structure or use is not removed in a timely fashion after proper notification, the Municipality may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
4. Conditions - The temporary use or structure shall be compatible with adjacent uses and be clearly of a temporary nature.
5. Fee - The Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
6. Nonprofit - Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events - For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.
   1. Additional Regulations
8. Documentation must be provided to the Municipality that adequate arrangement for temporary sanitary facilities has been made.
9. All uses shall be confined to the dates specified in the permit.
10. Hours of operation shall be confined to those specified in the permit.
11. Access and parking for the exclusive use of the facility shall be provided and a stabilized drive to the parking area shall be maintained.

### ARTICLE VI - RESIDENTIAL STANDARDS

1. **Conservation Design Overlay District**

This section may be applied at the Developer’s option in Clinton Township Zoning Districts - R, RA and CI.

* 1. Purposes and Development Options

1. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
   1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
   2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
   3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
   4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
   5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Northeast Wyoming County Comprehensive Plan* including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.
   6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive Plan.
   7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
   8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
   9. To provide for the conservation and maintenance of open land within the Township to achieve the above- mentioned goals and for active or passive recreational use by residents.
   10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
   11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
   12. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
2. *By-Right* Development Options - In order to achieve these purposes, this §601provides for flexibility in designing new residential subdivisions by allowing two forms of *by-right* development referred to as *options*, as summarized below:
   1. Option One - *Higher Density and Basic Conservation*, providing for residential uses with a density factor reduction of fifteen (15) percent and with not less than forty (40) percent of the tract comprised of conservation open space.
   2. Option Two *- Greater Density with Greater Conservation,* providing residential uses at a density factor reduction of twenty (20) percent and with not less than fifty (50) percent of the tract comprised of conservation open space.
3. Densities and Required Open Space Percentages - See §601.4.
   1. General Regulations

The design of all new subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:

1. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
2. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
3. Combining the Design Options - The various layout and density options described in this section may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section, as compared with applying a single option to the property.
4. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Subdivision and Land Development Ordinance.
5. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources and Site Analysis Plan*. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.
   1. Minimum Parcel Size and Use Regulations

Tracts of six (6) acres or more in the Conservation Design Overlay District may be used for the following purposes:

1. Single-Family Detached Dwellings - Single-family detached dwellings in subdivisions using Option1 - Basic Conservation or Option 2 - Greater Conservation.
2. Two-family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in subdivisions or land developments using Option1 - Basic Conservation or Option 2 - Greater Conservation.
3. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of §601.5.
4. Nonresidential Uses - The following non-residential uses:
   1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
   2. Wood lots, arboreta, and other similar silvicultural uses.
   3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
   4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
5. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.
   1. Density Determination and Dimensional Standards
6. Standards for Option 1 - Higher Density and Basic Conservation
   1. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 601.4,A,1, as determined through the Adjusted Tract Acreage approach or yield plan described in §601.4,D,1. (The density factor has been reduced by fifteen percent from that of a standard subdivision.)

|  |  |
| --- | --- |
| TABLE 601.4,A,1 OPTION 1  HIGHER DENSITY AND BASIC CONSERVATION | |
| **Density Requirements for All Permitted Dwelling Types** | |
| DISTRICT | Density Factor required area per dwelling unit |
| On-site sewage & on-site water | 0.85 acre |
| On-site sewage & central water | 0.85 acre |
| Central sewage & on-site water | 0.85 acre |
| Central sewage & central water | 0.43 acre |

* 1. Minimum Required Conservation Open Space - The subdivision must include at least forty (40) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in §601.4,D,1, as conservation open

space.

* 1. Dimensional Standards - The dimensional standards in Table 601.4,A,3, shall apply.

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| --- | --- |
| TABLE 601.4,A,3 | |
| **Dimensional Standards for Single-Family Detached and Two-family Dwellings** | |
| Minimum Individual Lot Area | 7,500 sq ft |
| Minimum Lot Width at Building Line | 70 feet |
| Minimum Street Frontage | 20 feet |
| Flag Lots | permitted in accord with provisions of the |
| Yard Regulations - the principal building positio | n and orientation should be varied. |
| – minimum front | 20 feet |
| – minimum rear | 30 feet; 20 feet where the rear yard adjoins |
| – minimum side | - 30 feet separation of principal buildings |
| Maximum Lot Coverage | 35 percent per individual lot |
| **Dimensional Standards for Townhouses - see §601.4,C** | |

1. Standards for Option 2 - Greater Density with Greater Conservation
   1. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 601.4,B,1, as determined through the Adjusted Tract Acreage approach or yield plan described in §601.4,D,1. (The density factor has been reduced by twenty percent from that of a standard subdivision.)

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| --- | --- |
| TABLE 601.4,B,1 | |
| **Density Requirements for All Permitted Dwelling Types** | |
|  | Density Factor |
| On-site sewage & on-site water | 0.80 acre |
| On-site sewage & central water | 0.80 acre |
| Central sewage & on-site water | 0.80 acre |
| Central sewage & central water | 0.40 acre |

* 1. Minimum Required Conservation open space - The subdivision must include at least fifty (50) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in §601.4,D,1, as conservation open space. Conservation open space shall not be used for residential lots, except as provided below.
  2. Dimensional Standards - The dimensional standards in Table 601.4,B,3, shall apply.

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| --- | --- |
| TABLE 601.4,B,3 | |
| **Dimensional Standards for Single-Family Detached and Two-family Dwellings** | |
| Minimum Individual Lot Area | 7,500 sq ft |
| Minimum Lot Width at Building Line | 70 feet |
| Minimum Street Frontage | 20 feet |
| Flag Lots | permitted in accord with provisions of the |
| Yard Regulations - the principal building positio | n and orientation should be varied. |
| – minimum front | 20 feet |
| – minimum rear | 30 feet; 20 feet where the rear yard adjoins |
| – minimum side | - 30 feet separation of principal buildings |
| Maximum Impervious Coverage | 35 percent per individual lot |
| **Dimensional Standards for Townhouses - see §601.4,C** | |

1. Dimensional Standards for Townhouses in Option 1 - Higher Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - The standards in Table 601.4,C, shall apply.

|  |  |
| --- | --- |
| TABLE 601.4,C | |
| Minimum Individual Lot Area | none |
| Maximum lot depth to width ratio | 5 **:** 1 |
| Minimum Lot Width at Building Line | 18 feet (24 feet if a 2-car garage or parking of |
| Yard Regulations - the principal building positio | n and orientation should be varied. |
| – minimum front | 20 feet |
| – minimum rear | 20 feet |
| – minimum side | - 35 feet separation of principal buildings |
| Maximum Impervious Coverage | 70 percent per individual lot |
| Maximum Height Regulations | 35 feet |

1. Density Determination for Option 1 - Higher Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:
   1. Adjusted Tract Acreage Approach - Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical “density factor” for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.
      1. The following areas of constrained land shall be deducted from the gross (total) tract area:
         1. Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
         2. Private Streets: multiply the acreage of land under existing private streets by 1.0.
         3. Wetlands: multiply the acreage of designated wetlands by 0.95.
         4. Floodway: multiply the acreage within the floodway by 1.0.
         5. Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
         6. Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.
         7. Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.
         8. Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
         9. Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.
      2. If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
      3. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the adjusted tract acreage.
   2. Design Standards for Option 1 - Basic Conservation, and Option 2 - Greater Conservation
2. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Subdivision and Land Development Ordinance.
3. Setbacks - All new dwellings shall meet the following setback requirements in Table 601.5,B:

|  |  |  |
| --- | --- | --- |
| TABLE 601.5,B | | |
| SETBACK FROM: | DWELLING TYPE | |
| Single-Family | Townhouses |
| external road rights-of-way | 100 feet | 300 feet |
| other tract boundaries | 50 feet | 200 feet |
| crop land or pasture land | 100 feet | |
| buildings or barnyards housing livestock | 300 feet | |

1. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.
2. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.
   1. Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

1. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
   1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
   2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
   3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
   4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
   5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
   6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
   7. Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum conservation open space requirement; their parking and access ways may be paved and lighted.
   8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
   9. Easements for drainage, access, sewer or water lines, or other public purposes.
   10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
2. Conservation Open Space Design Standards
   1. Conservation Areas - Conservation open space shall be laid out in general accordance with the Township’s *Map of Potential Conservation Lands* to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise those areas listed in §601.4,D, as being subtracted from the total parcel acreage to produce the Adjusted Tract Acreage. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in the Subdivision and Land Development Ordinance.
   2. In Option 1 - Basic Conservation and Option 2 - Greater Conservation subdivisions, the conservation open space shall generally remain undivided and may be owned and maintained by a homeowners’ association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. The amount of land available for the common use and passive enjoyment of the subdivision residents shall be provided in accord with the Subdivision and Land Development Ordinance. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.
   3. Dedication Requirement - See the open space and recreation fee provisions in the Subdivision and Land Development Ordinance which may require public land dedication (typically to provide potential connections with the Township long-range trail network).
   4. Buffers for Adjacent Public Park Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with such public land, within which no new structures shall be constructed. Where this buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through *no-mow* policies and the periodic removal of invasive alien plant and tree species.
3. Other Requirements
   1. No portion of any building lot may be used for meeting the minimum required conservation open space. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required conservation open space.
   2. Pedestrian and maintenance access, excluding to those lands used for permitted agricultural or horticultural purposes, shall be provided to conservation open space in accordance with the following requirements:
      1. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
      2. Access to conservation open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
   3. All conservation open space areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.
   4. Permanent Conservation Open Space Protection Through Conservation Easements

In Option 1, and 2 subdivisions, the conservation open space that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and

defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Township. Uses permitted in conservation open space are listed in §601.5.

* 1. Ownership and Maintenance of Conservation Open Space and Common Facilities See Article X.

### Two Family Dwellings

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §602 and other applicable standards in this Ordinance.

* 1. Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than fifty (50) percent of the minimum lot size required in the Schedule of Development Standards in Article IV.

602.3 Over/Under Units

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit, the lot size shall comply with the Schedule of Development Standards in Article IV of this Zoning Ordinance.

602.5 Conversions -- See §604 of this Ordinance.

### Multi-Family Dwellings

* 1. **Multi-Family Dwellings in Clinton Township Zoning Districts RA and CI**

Multi-family projects in Clinton Township are considered conditional uses in RA and CI Districts in accord with this

§603-A in order to provide the opportunity for the development of a variety of housing types. 603-A.1 Project Design Process and Procedure

1. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
2. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in §601.4,D,1 of this Ordinance and the Subdivision and Land Development Ordinance.
3. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be

specifically shown.

1. Open Space
   1. Minimum Requirement - The development shall include as conservation open space at least thirty (30) percent of the adjusted tract acreage plus all of the constrained land calculated after applying the adjustment factors in §6.302,C.
   2. Standards - Open space area shall meet the standards of §6.106 and shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in accord with Article X of this Ordinance.

603-A.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 603-A.2 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

|  |  |  |  |
| --- | --- | --- | --- |
| **TABLE 603-A.2** | | | |
|  |  | Garden | Apartment |
| Minimum size for project parcel (acres) | 3 | 2 | 2 |
| RA District Density -- number of dwelling units per acre of useable | 1.5 | 1.5 | 1.5 |
| CI District Density -- number of dwelling units per acre of useable | 2 | 3 | 4 |
| Maximum number of dwelling units per building | 6 | 8 | 12 |
| Maximum building height (feet) | 35 | 35 | 35 |
| Maximum lot coverage (percent) | see §6.301,D,1 | | |

603-A.3 Design Criteria

The following design criteria shall apply to multi-family projects:

1. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.
2. Road Standards - Access roads through the development shall comply with the street requirements of the Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
3. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
4. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
5. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Subdivision Ordinance.
6. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
7. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
8. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
9. Parking - Parking for multi-family dwelling projects shall comply with §504 of this Ordinance.

603-A.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

603-A.5 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §603-A, including but not limited to §603-A.2. (See also §604).

603-A.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

603-A.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a community water supply and a community sewage disposal system.

### Multi-Family Dwellings in Nicholson Borough Zoning Districts R-2, R-3 and B-1

Multi-family projects in Nicholson Borough are permitted in R-2, R-3 and B-1 Districts as classified by the Schedule of Uses in accord with this §603-B in order to provide the opportunity for the development of a variety of housing

types.

603-B.1 Project Design Process and Procedure

1. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
2. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Borough. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
3. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Borough or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in §601 of this Ordinance.

603-B.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 603-B.2 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

|  |  |  |  |
| --- | --- | --- | --- |
| **TABLE 603-B.2** | | | |
|  |  | Garden | Apartment |
| Minimum size for project parcel | 7,500 sq. ft. | | |
| Density -- number of dwelling units per acre | based on performance standards | | |
| Maximum number of dwelling units per building | 6 | 8 | 12 |
| Maximum building height | 2.5 stories or 40 feet | | |
| Maximum lot coverage | 60% | | |
| ADDITIONAL TOWNHOUSE STANDARDS | | | |
| Minimum lot size for townhouse units for individual sale 1,000 square feet | | | |

603-B.3 Design Criteria

The following design criteria shall apply to multi-family projects:

1. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development

or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. Building setbacks shall be provided in accord with the Schedule of Development Standards.

1. Reserved
2. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
3. Landscaped Buffers - Buffers, not less than ten (10) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin an existing single-family dwelling or any R-1 or C-1 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Borough.
4. Pedestrian Access - Walkways of such design and construction as approved by the Borough shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Subdivision Ordinance.
5. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
6. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
7. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
8. Parking - Parking for multi-family dwelling projects shall comply with §6.500 of this Ordinance.

603-B.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

603-B.5 Conversions of Existing Structures

Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §603-B, including but not limited to §603-B.2. (See also

§604).

603-B.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Borough in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law

or an attorney's opinion that said Law does not apply to the subject project.

603-B.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a central water supply and a central sewage disposal system.

### Conversion to Dwellings

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this §604 and the other requirements applicable to the dwelling type to which conversion is proposed. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

### Group Homes

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this

§605 and other applicable standards of this Zoning Ordinance.

* 1. Definition

See definition in Article III.

* 1. Supervision

There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.

* 1. Certification

The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Municipality, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Municipality within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

* 1. Parking

One off-street parking space shall be provided for each employee on duty at any one time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five

(5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of §701.1 of this Zoning Ordinance.

* 1. Appearance

If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

* 1. Bulk and Density

The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.

* 1. Number of Residents

Not more than eight (8) persons shall reside in a group home, including the maximum number of

employees/supervisors and/or care providers routinely in the group home at any point in time.

### Reserved

1. **Mobile Home Parks**
   1. **Mobile Home Parks in Clinton Township Zoning District CI**

Mobile home parks in Clinton Township are permitted as a conditional use in CI Districts in accord with this §607-A in order to provide the opportunity for the development of a variety of housing types..

607-A.1 Project Design Process and Procedure

1. Subdivision and Land Development -Mobile home parks shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development or home placement, and the approvals required shall be requested and acted upon concurrently as one subdivision.
2. Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Conservation Subdivision Design contained in §601.4,D,1 of this Ordinance.
3. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
4. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §601.5 of this Ordinance.

607-A.2 Design; Procedures; Parcel Size; Density; Mobile Home Sites

1. Conservation Design - All mobile home parks shall be designed and processed in accord with the procedure for conservation design developments in accord with §601.4,B of this Ordinance using the density factors in this

§607-A.2 without the application of any density bonuses.

1. Parcel - The minimum parcel size for a mobile home park shall be four (4) acres and all land proposed for a particular mobile home park shall be part of the same parcel and contiguous.
2. Density - The overall density of a mobile home park shall not exceed seven (7) lots per acre of useable land area per §607-A.1,B.
3. Mobile Home Sites - Each mobile home site shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall

be fifty (50) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

### Mobile Home Parks in Nicholson Borough Zoning Districts R-3

Mobile home parks in Nicholson Borough are considered special exceptions in the R-3 District in accord with this

§607-B in order to provide the opportunity for the development of a variety of housing types. 607-B.1 Project Design Process and Procedure

1. Subdivision and Land Development -Mobile home parks shall be considered major subdivisions and land developments also subject to the Borough Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development or home placement, and the approvals required shall be requested and acted upon concurrently as one subdivision.
2. Site Plan - A proposed site plan showing all necessary information shall include, at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems, and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Borough. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
3. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Borough or a property owners' association, for the purpose of preserving the open space in accord with Article X.

607-B.2 Standards

Uses in mobile home parks shall be limited to mobile homes and those accessory uses usually associated with such a facility. The following standards shall apply:

1. Parcel Size - All land proposed for a particular mobile home park shall be part of the same parcel and contiguous and the minimum parcel size for a mobile home park shall be two (2) acres.
2. Density - The overall density of a mobile home park shall not exceed six (6) units per acre.
3. Site Location - A mobile home park shall be located on land having a reasonably flat terrain (having an avenge slope of 8% or less).
4. Buffer - A buffer area not less than fifty (50) feet in width where no mobile homes, structures or site improvements, except for the necessary crossing of the access road(s), shall be maintained around the perimeter of the mobile home park.
5. Mobile Home Lots - Only one mobile home, including its extensions and additions, may be placed on each mobile home lot, which shall have access to a street in the mobile home park. Each lot shall have a minimum area of four thousand (4,000) square feet and a minimum width of forty (40) feet. The minimum front yard shall be ten (10) feet; the rear yard, five (5) feet, and each side yard, five (5) feet. The minimum distance between buildings shall be twenty (20) feet. No more than thirty (30) percent of each lot shall be covered by buildings.
6. Placement of Mobile Homes - Each mobile home site shall be provided, at a minimum, with a stand or pad consisting of two (2) concrete strips to accommodate the wheel base of the mobile home- The poured concrete base shall measure one (1) foot deep, two (2) feet wide, and forty (40) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four (4) times the weight of the particular mobile home.

### Mobile Homes on Individual Lots

Mobile homes placed on lots not in a mobile home park shall comply with all regulations applicable to single-family residential dwellings and:

1. Shall be constructed in accordance with the PA Uniform Construction Code.
2. Shall have a site graded to provide a stable and well-drained area.
3. Shall have the hitch mechanisms removed. The wheels and axles shall be removed or screened from view.
4. Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home.
5. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.
6. Shall be attached to a permanent foundation.

### Reserved

1. **Bed and Breakfast Establishments**

Bed and breakfast establishments are considered conditional uses in certain districts as set forth in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

1. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
2. Not more than five (5) rentable rooms are provided in the establishment.
3. The owner or manager of the bed and breakfast must reside on the premises.
4. Sewage disposal meeting the requirements of the Municipality and PA DEP is provided.
5. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

### Hotels, Motels, and Lodging Facilities

This section is intended to provide specific standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the limitation

of the proposed site. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

* 1. Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §611 and this Ordinance, and other applicable regulations.

* 1. Design Criteria

1. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
2. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the District where the subject property is located.

### ARTICLE VII

**PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION**

1. **Design of Commercial Establishments and Nonresidential Uses**

It is the intent of this §700 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Municipality. This shall be accomplished by:

1. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
2. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
3. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off- street parking for patrons;
4. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
5. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
6. Being consistent with any design guidelines adopted by the Municipality.
   1. Land Development

Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and the Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Municipality may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Ordinances.

1. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within five hundred (500) feet of the tract;
2. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
3. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
4. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
5. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
6. Location and dimensions of pedestrian entrances, exits, walks;
7. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
8. Preliminary drawings for all buildings;
9. Location, size, height, and orientation of all signs other than signs flat on building facades;
   1. Site Design Process

The applicant shall demonstrate to the Municipality by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

1. Mapping of Primary and Secondary Conservation Areas (see §601.4,D,1) to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non- disturbance.
2. Locating the building site.
3. Locating required buffers.
4. Laying out street access, parking/loading areas, and other required or proposed improvements.
   1. Ownership

The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide evidence of said ownership and/or control.

### Performance Standards Applicable to All Uses in All Districts

The intent of this §701 is to regulate the development and operation of all development and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

* 1. Yards and Buffers

1. Increased Setback and Buffer - Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R , R-1, R-2, R-3 or C-l District the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer shall be provided in accord with this §701.1. If larger setbacks and/or buffers are required by another provision of this Ordinance, the larger shall apply.
2. Buffer Width - The required buffer width shall not be less than fifteen (15) feet in the Township and shall not be less than five (5) feet in the Borough.
3. Storage in Yard Setbacks - Storage of equipment, supplies, products or any other materials shall not be permitted in any front, side or rear yard setback.
4. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions, landscaped buffers may be required by the Municipality in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking

physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the District.

1. Standards
   1. In determining the type and extent of the buffer required, the Municipality shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
   2. The width of the required buffer, as determined by the Municipality, shall not be less than fifteen (15) feet.
   3. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
   4. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
   5. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Municipality shall determine that the proposed use and adjoining use(s) are not incompatible.
   6. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.
   7. Landscaping in CI, B-1, I-1 and I-2 Districts

A landscaping plan for proposed projects in CI, B-1, I-1 and I-2 Districts shall be submitted by the developer for review and approval by the Municipality. Landscaping shall be considered an improvement for the purposes of regulation by the Municipality Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

1. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
2. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
3. Plants shall be species native to Pennsylvania and of a type which are proven successful in the local climate.
4. Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five (5) years of project approval or in accord with the time frame as may be

established as a condition of approval for conditional uses, special exceptions or variances.

1. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
2. All areas in and around parking areas shall be landscaped.
3. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
4. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
5. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
6. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
7. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
8. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.
   1. Operations and Storage
9. All facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Municipality for conditional uses and special exceptions, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way.
10. Outdoor sales, operations and storage areas in addition to those specified in Subsection A above may be approved as a conditional use in the Township and as a special exception in the Borough. Larger setbacks and/or buffers may be required to afford protection to adjoining uses and any public road rights-of-way. Unenclosed uses and activities shall, in any case, be a minimum of fifty (50) feet from any existing residential structure or any R, R-1, R-2, R-3 or C-1 District, unless a greater setback is required by the Municipality.
11. Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback areas.
    1. Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provide by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Municipality if the nature of the proposed use as determined by the Municipality so requires.