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ORDINANCE NO. 399

THE BOROUGH OF SHICKSHINNY ZONING ORDINANCE

BE IT HEREBY ORDAINED AN ENACTED BY THE BOROUGH COUNCIL, BOROUGH OF SHICKSHINNY, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ACT 247, AS AMENDED, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AND CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE" AS FOLLOWS:

ARTICLE I  
GENERAL PROVISIONS

Section 100     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; and providing for the administration of such Ordinance.

Section 101     SHORT TITLE

This Ordinance shall be known and may be cited as the "Shickshinny Zoning Ordinance".

Section 102     PURPOSE

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation; and the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

### Section 103      INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough of Shickshinny and its citizens. It is not intended by this Ordinance to interfere with abrogate or annul any rules or regulations previously adopted or permits perviously issued by the Borough which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

### Section 104      APPLICATION OR REGULATIONS

#### A.    Use of Property:

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified.

#### B.    Restrictions:

1.    No building shall hereafter be erected or altered:
  - a.    To exceed the height;
  - b.    To accommodate a greater number of families;
  - c.    To occupy a greater percentage of lot area;
  - d.    To have narrower or smaller rear yards, front yards or side yards than are specified herein.
  - e.    To be on a site that has experienced periodic flooding.
2.    No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.



3. This Ordinance shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 105      EFFECTIVE DATE

This Ordinance shall take effect on the                      day of                      ,  
1977.

ARTICLE II  
DEVELOPMENT GOALS

Section 200     PURPOSE

In addition to the foregoing purpose, this Ordinance is intended to assist in achieving to the extent possible the implementation of the Shickshinny Master Plan.

Section 201     GOALS

The general goals of the "Shickshinny Master Plan" include but are not limited to the following:

A.    GOAL:    OVERALL DEVELOPMENT

Create a healthy, economically and socially sound and attractive environment for the residents of the Borough.

B.    GOAL:    ENVIRONMENTAL PROTECTION

To maintain compatibility between the natural environment and man's use of the land and natural resources.

C.    GOAL:    LAND USE

To create a development pattern that will conserve the natural amenities and encourage a harmonious balance between various land uses.

D.    GOAL:    ECONOMICS

To develop a diversified economic base to assure full and continuous employment and a sound fiscal base for the Borough.

E.    GOAL:    HOUSING

To develop a variety of housing types to permit a range of choice for the residents regardless of the economic status and social characteristics.

F.    GOAL:    COMMUNITY FACILITIES

To develop a level of community facilities adequate in amount and type to meet existing population needs and by locating new facilities for maximum accessibility and efficiency of operations.

G.    GOAL:    TRANSPORTATION

To develop a circulation system that provides safe and convenient movement for people and goods.

## ARTICLE III DEFINITIONS

### Section 300 WORD USAGE

For the purpose of this Ordinance, the terms and words herein shall be interpreted as follows unless otherwise expressly stated:

- A. Words in the present tense shall include the future tense.
- B. The words "person", "owner", or "developer" include a profit or nonprofit corporation, company, partnership, association or individual.
- C. Words used in the singular shall include the plural; words used in the plural shall include the singular.
- D. The words "used" or "occupied" as applied to any land or building include the words intended, arranged or designed to be used or occupied.
- E. The word "building" includes structure.
- F. The words "lot" includes the words "plot" or "parcel".
- G. The words "shall" and "will" are always mandatory.
- H. The word "may" is permissive.

### Section 301 DEFINITION OF TERMS

Unless otherwise expressly stated, for the purposes of this Ordinance, the following words, terms and phrases shall have the meaning herein indicated:

- 1. ACCESSORY BUILDING: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
- 2. ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use; and not occupying more than forty (40) percent of the net floor area of any one floor in the principal structure or not more than forty (40) percent of the lot area.
- 3. ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the

moving from one location or position to another. Structural alterations shall include any change in the supporting members or a building, such as bearing walls, columns, beams or girders.

4. ANIMAL HOSPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.
5. AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, patios, terraces and steps.
6. AREA, LOT: The total area within the lot lines measured on a horizontal plane.
7. BILLBOARD: A sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.
8. BOARDING HOUSE: Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.
9. BUILDING OR STRUCTURE: Anything constructed or erected with a fixed or permanent location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.
10. BUILDING, FRONTLINE OF: The line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps or patios.
11. BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.



12. BUILDING LINE: An imaginary line located on the lot at a fixed distance from the road right-of-way line and interpreted as being the nearest point that a building may be constructed to the road right-of-way. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.
13. BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.
14. CLEAR SIGHT TRIANGLE: The triangular area formed by two intersecting road centerlines and a line inter-connecting points established on each centerline, one hundred (100) feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plain established three and one-half (3½) feet in elevation from grade level at the intersection of the road centerline.
15. CONDITIONAL USE: A use which is not appropriate to the community as a whole, but which may be suitable in certain locations within the community only when specific conditions and factors prescribed for such cases within this Ordinance are present.
16. DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof or waste material of any kind.
17. DWELLING: A building designed or used as the living quarters for one (1) or more families. The terms "dwelling", "one-family dwellings", "multiple dwelling", "two-family dwelling" or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.
18. DWELLING TYPE
  - (a) RESIDENTIAL CONVERSION UNIT: To be considered a conversion, any proposed alteration must be confined to the interior or an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established for that particular use.
  - (b) SINGLE-FAMILY DETACHED: A dwelling unit accommodating a single-family and having two (2) side yards, including a mobile home.

- (c) SINGLE-FAMILY SEMI-DETACHED: Two (2) dwelling units accommodating two (2) families which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit.
  - (d) TWO-FAMILY DETACHED: Two (2) dwelling units accommodating two (2) families which are located one over the other, and having two (2) side yards.
  - (e) TWO-FAMILY SEMI-DETACHED: Four (4) dwelling units accommodating four (4) families, two (2) units of which are located directly over the other two (2) units. A combination of both the single-family semi-detached and the two-family detached structures.
  - (f) TOWNHOUSE (ROW DWELLING): Three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which may have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height, but may conceivably be either one (1) story or three (3) stories in height.
  - (g) GARDEN APARTMENT: Three (3) or more dwelling units accommodating three (3) or more families which are located one over the other and which, when more than three (3) units are utilized, are attached side by side through the use of common party walls, and which may have side yards adjacent to each first story end unit. Single story dwelling units are generally built to a height of three (3) stories, but may conceivably be built to a height of only two (2) stories. Each dwelling unit being accessible by a common stairwell.
19. DWELLING UNIT: Any building or portion thereof which is designed and used exclusive for residential purposes of one family, and includes complete kitchen and bathroom facilities.
20. ERECTED: Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.
21. ESSENTIAL SERVICE INSTALLATIONS: The erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas,

electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

22. FAMILY: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.
23. FRONT YARD: See "Yard, Front".
24. GARAGE, PRIVATE: An enclosed or covered space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.
25. GAS STATION: Any premises used for supplying gasoline, oil, minor accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs.
26. HEIGHT: See "Building, Height Of".
27. 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 building for dwelling purposes, the exterior appearance of the structure of premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein; including, but not limited to the following occupations: The professional practices of medicine, dentistry, architecture, law and engineering; artists, beauticians, barbers and veterinarians, excluding stables or kennels; and does not permit the employment of more than two (2) persons not living on the premises.
28. JUNK: Any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some

other use. Any such article or material which, unaltered not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall be considered junk.

29. JUNKYARD: The use of more than one hundred (100) square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard.
30. LINE, BUILDING: See "Building Line"
31. LINE, ROAD RIGHT-OF-WAY: The dividing line between the road, right-of-way and the lot.
32. LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than twelve (12) feet wide, forty-five (45) feet in length and fourteen (14) feet in height.
33. LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance.
34. LOT AREA: The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.
35. LOT, CORNER: See "Corner Lot".
36. LOT, DEPTH: The average horizontal distance between the front and rear lot lines.
37. LOT, INTERIOR: A lot other than a corner lot.
38. LOT LINES: The lines bounding a lot as defined herein.
39. LOT WIDTH: The horizontal distance across the lot between the side lot lines, measured at the building line.



40. MOBILE HOME: A transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes, and constructed with the same, or similar electrical, plumbing and sanitary facilities as immobile housing; and having a minimum of five hundred (500) square feet of habitable floor area.
41. MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use.
42. MODULAR OR SECTIONAL HOME: Two portable units designed, and built to be towed on their own separate chassis and permanently combined on site to form a single immobile dwelling unit, and having a minimum of nine hundred (900) square feet of habitable floor area, shall be regarded as a single-family detached dwelling, but may be located in a mobile home park at the discretion of the owner.
43. OFF-LOT SEWER SERVICE: A sanitary sewage collection system approved by the Community and the Pennsylvania Department of Environmental Resources in accordance with Act 537, the "Pennsylvania Municipality Sewage Facilities Act," as amended, in which sewage is carried from individual 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.
44. ON-LOT SEWER SERVICE: A single system of piping, tanks, or other facilities approved by the Community and the Pennsylvania Department of Environmental Resources in accordance with Act 537, the "Pennsylvania Municipality Sewage Facilities Act," as amended, serving only a single lot and disposing of sewage in whole or in part into the soil.
45. OPEN SPACE: An unoccupied space open to the sky on the same lot with the building.
46. OWNER: The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or equitable interest in the lot in question.
47. PARKING LOT: An off-street space measuring not less than ten (10) feet by twenty (20) feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one (1) automotive vehicle. Such space shall be exclusive of

all area necessary to gain access to said parking space including towing areas, access aisles, fire lanes, and access drives within the road right-of-way.

48. PLANNING COMMISSION: The duly constituted Planning Commission of the Borough of Shickshinny, Luzerne County, Pennsylvania.
49. PORCH: A roofed over structure projecting from the front, side or rear wall of a building. For the purpose of the Zoning Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any required yards.
50. PREMISES: Any lot, parcel or tract of land and any building constructed thereon.
51. PRINCIPAL USE: The major dominant use of the lot on which it is located.
52. PUBLIC HEARING: A meeting open to the general public held pursuant to proper "public notice".
53. PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.
54. PUBLIC RIGHT-OF-WAY: Land reserved for use as a road, street, alley, crosswalk, pedestrian way or other public purpose.
55. PUBLIC USES, APPROPRIATE: Includes public and semi-public uses of a welfare and educational nature, such as; nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports; fraternal clubs and homes; and non-profit recreational facilities.
56. ROAD: A public way which affords principal means of access to abutting properties.

57. SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.
58. SERVICE STATION: See "Gas Station".
59. SERVICES, ESSENTIAL: See "Essential Service Installation".
60. SIGN: Any surface, fabric device or structure bearing lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view, which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" does not apply to a flag, emblem or insignia of a nation, political unit, school or religious group.
61. SIGN, GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of such signs. All signs shall be limited to not more than two faces. All area limitations shall be computed in square feet. Each face of a double-face sign may equal the maximum size permitted for the particular type of sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.
62. STRUCTURE: Structure means a combination of materials that form a construction that is safe and stable and includes among other things buildings, platforms, radio towers, sheds, storage bins, fences and display signs.
63. SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.
64. 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 nonconforming use.

65. USE, MIXED: The occupancy of a building or of a lot for more than one (1) use, such as: both a business and a residential use; both an industrial and a residential use, etc.
66. VARIANCE: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by this Ordinance, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.
67. YARD: An unoccupied space open to the sky, on the same lot with a building or structure:
- (a) YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
  - (b) YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot and the rear line of the building. A building shall not extend into the required rear yard.
  - (c) YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.
68. ZONING HEARING BOARD: The Zoning Hearing Board of the Borough of Shickshinny as duly constituted by and established pursuant to this Ordinance.



69. ZONING OFFICER: The individual authorized by the Borough Council to be the administrator of the daily application of the provisions contained in this Zoning Ordinance.

70. ZONING PERMIT: A statement signed by the Zoning Officer indicating that the application for permission to construct, alter or add is approved and in accordance with the requirements of the terms of this Ordinance.

ARTICLE IV  
ESTABLISHMENT OF ZONE DISTRICTS

Section 400      PURPOSE

The purpose of this section is to indicate the various uses which are permitted in each zone district, either by right or by a special exception by the Zoning Hearing Board.

Section 401      DESIGNATION OF DISTRICTS

For the purposes of this ordinance the Borough of Shickshinny is divided into the following districts the same of which appear on the zoning map which is attached hereto and a part of this ordinance.

- C-1    Conservation District
- R-1    Single Family Residence District
- R-2    Two Family Residence District
- B-1    Neighborhood Business District
- B-2    Community Business District
- B-3    Highway Business District
- M-1    Mining District
- M-2    Light Industrial District

Section 402      C-1    CONSERVATION DISTRICT

A.    Uses Permitted by Right:

1.    Agriculture
2.    Nurseries and Greenhouses
3.    Parks
4.    Private Recreational Facilities
5.    Public Uses Except Recreational
6.    Semi-Public Uses
7.    Utilities (except yards or buildings)
8.    Accessory Uses to the Above

B.    Uses Permitted by Zoning Hearing Board Approval:

1.    Commercial Recreational Facilities
2.    Public Recreational Facilities
3.    Radio or TV Sending or Boosting Stations
4.    Solid Waste Disposal Areas

Section 403      R-1    SINGLE FAMILY RESIDENCE DISTRICT

A.    Uses Permitted by Right:

1.    Single Family Detached Dwellings
2.    Public Uses Except Recreational
3.    Seim-Public Uses (such as churches, fraternal organizations and the like)
4.    Utilities (except buildings and yards)
5.    Accessory Uses to the Above

B.    Uses Permitted by Zoning Hearing Board Approval:

1.    Branch Telephone Exchanges
2.    Cemetery Extensions
3.    Home Occupations
4.    Mobile Homes
5.    Private Recreational Facilities
6.    Professional Offices
7.    Public Recreational Facilities
8.    Accessory Uses to the Above

Section 404      R-2    TWO FAMILY RESIDENCE DISTRICT

A.    Uses Permitted by Right:

1.    One-Family Detached Dwellings
2.    Public Uses Except Recreation
3.    Semi-Public Uses
4.    Two-Family Dwellings
5.    Utilities (except buildings and yards)
6.    Accessory Uses to the Above

B. Uses Permitted by Zoning Hearing Board:

1. Home Occupations
2. Mobile Homes
3. Professional Offices
4. Public Recreational Facilities
5. Roomers or Boarders (maximum of six)
6. Accessory Uses to the Above

Section 405      B-1 NEIGHBORHOOD BUSINESS DISTRICT

A. Uses Permitted by Right:

1. Banks
2. Cafes or Restaurants (without entertainment)
3. Mortuaries
4. Neighborhood Retail Stores
5. Personal Services
6. Professional Offices Including Clinics
7. Public Uses
8. Semi-Public Uses
9. Service Station
10. Soda Fountains
11. Taverns
12. Utilities (except yards)  
Accessory Uses to the Above

B. Uses Permitted by Zoning Hearing Board Approval:

1. Clubs or Lodges
2. Multiple Dwellings
3. Theatres (indoors)
4. Accessory Uses to the Above



Section 406      B-2    COMMUNITY BUSINESS DISTRICTS

A.    Uses Permitted by Right:

1.    Banks
2.    Cafes or Restaurants (without entertainment)
3.    Clubs or Lodges
4.    Commercial Offices
5.    Parking Areas
6.    Personal Services
7.    Professional Offices Including Clinics
8.    Public Uses
9.    Retail Stores
10.   Semi-Public Uses
11.   Service Stations
12.   Soda Fountains
13.   Taverns
14.   Utilities (except yards)
15.   Accessory Uses to the Above

B.    Uses Permitted by Zoning Hearing Board Approval:

1.    Drive-in Commercial Uses (not including theatres)
2.    Entertainment Facilities
3.    Multiple Dwellings
4.    Accessory Uses to the Above

Section 407      B-3    HIGHWAY BUSINESS DISTRICT

A.    Uses Permitted by Right:

1.    Amusement Parks
2.    Animal Hospitals, Clinics or Kennels

3. Commercial Greenhouses and Plant Nurseries
  4. Drive-in Commercial Uses (not including theatres)
  5. Entertainment Facilities
  6. Feed and Grain, Sales and Storage
  7. Garages for Service and/or Vehicular Sales (not including body work)
  8. Motels and Tourist Courts
  9. Offices and Banks
  10. Outdoor Advertisements
  11. Personal Services
  12. Professional Activities
  13. Public and Semi-Public Uses
  14. Restaurants
  15. Retail Business
  16. Service Stations
  17. Tourist Homes
  18. Utilities
  19. Accessory Uses to the Above
- B. Uses Permitted by Zoning Hearing Board Approval:
1. Apartments
  2. Equipment Sales and Repair
  3. Wholesale Business
  4. Accessory Uses to the Above

Section 408      M-1    MINING DISTRICT

- A. Uses Permitted by Right:
1. Bulk Fuel Storage
  2. Contractors' Yards

3. Railroad Yards
4. Storage of Materials Excavated
5. Trucking Contractors' Yards
6. Utilities
7. Accessory Uses to the Above

B. Uses Permitted by Zoning Hearing Board Approval:

1. Manufacturing Uses
2. Processing of Materials Excavated
3. Storage of Explosives
4. Accessory Uses to the Above

Section 409      M-2    LIGHT INDUSTRIAL DISTRICT

A. Uses Permitted by Right If Conforming to the Following Performance Standards:

1. Smoke

The emission of gray smoke at a density greater than No.1 on the Ringelmann Chart published by the U.S. Bureau of Mines (Power's Micro-Ringelmann Chart, McGraw Hill Publishing Company, 1954, may be used) shall not be permitted except gray smoke of a shade not darker than No.2 may be emitted for not more than 4 minutes in any 30 minutes. These provisions, applicable to gray smoke, shall also apply to visible smoke of a different color but with equivalent apparent opacity.

2. Fly Ash, Soot and Dust

The emission of particles from any flue or smokestack shall not exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit and 50 percent excess air, and shall not cause any damage to the health of people, to animals, vegetation, or other forms of property, or cause any excessive soiling. All walks, driveways, and parking or outdoor storage areas shall be paved or dust proofed.

### 3. Noise

At no point on the boundary of a Residence District, or property line other than a Residence District Boundary, shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under the control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown below for the districts indicated:

TABLE A

Maximum Permissible Sound Pressure Levels

Maximum Sound Pressure Level in Decibels

(1.0002 dynes per square centimeter)

<u>Octave Band In Cycles Per Second</u>	<u>Decibels Along Residence District Boundaries</u>	<u>Decibels Along Property Lines Other Than Residence District Boundaries</u>
0 - 75	72	79
76 - 150	67	74
151 - 300	59	66
301 - 600	52	59
601 - 1200	46	53
1201 - 2400	40	47
2401 - 4800	34	41
Above 4800	32	39

Objectionable noise due to intermittence, beat, frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

At the specified points of measurement the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in table A in any octave band of frequency. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. (American Standard Sound Level meters for measurement of noise and other sound, 224, 3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an octave-band filter, set for the analysis of noise and other sounds, 224. 10-1953, American Standards Association, Inc., New York, N.Y., shall be used).



4. Odor

No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 3 (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. Where said publication gives a range of figures, a simple average of these shall be used.

5. Toxic Gases

The emission of gases or fumes injurious to persons or property beyond the lot lines occupied by the use is prohibited. (Table 1, Industrial Hygiene Standards, Maximum Allowable Concentration, Chapter 5 of the Air Pollution Abatement Manual furnishes a list of toxic pollutants).

6. Glare and Heat

Glare and heat from welding, acetylene torch cutting or similar processes shall be performed so as not to produce glare which is visible, or objectionable heat, beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.

7. Sewage

No discharge is permitted at any point in any private sewage disposal system or stream or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply, or otherwise cause the emission of dangerous objectionable elements except in accordance with the standards as approved by water pollution control boards or appropriate agencies of the departments of health. Furthermore, no accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

8. Fire and Safety

All buildings containing uses involving burning materials of any kind shall be of fireproof construction. Incombustible to moderate burning materials - permitted freely. Free of active burning to intense burning materials must be:

- a. enclosed within incombustible walls
- b. 40-foot setback or automatic sprinkler
- c. flammable vapors at ordinary temperatures, prohibited. This subsection shall not apply to the use of fuels if such use is limited to storage, and movement of fuel is within appropriate containers or pipes.

B. Uses Prohibited:

1. Residential subdivisions and developments and the construction of dwellings on existing lots zoned as industrial, except for dwellings for watchman, caretaker.
2. Schools, hospitals, clinics, or other institutions for human care, except where incidental to a permitted principal use.
3. Any building for retail business or service, except where incidental to a principal permitted use.
4. Junkyards

Section 410      LOT AREA, WIDTH, YARD, BUILDING HEIGHT AND  
COVERAGE REGULATIONS

The minimum lot area, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum building height and maximum lot coverage for each use shall be those set forth in the schedule appearing in this Ordinance and titled "Minimum Lot Area, Lot Width and Yard Requirements, and Maximum Building Height and Lot Coverage Requirements".

# MINIMUM LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

AND

## MAXIMUM BUILDING HEIGHT AND LOT COVERAGE REQUIREMENTS

Minimum Yard in Feet	Conservation Dist. "C-1"	Residence Districts		Business Districts			Industrial Districts	
		"R-1"	"R-2"	"B-1"	"B-2"	"B-3"	"M-1"	"M-2"
Front Yard	35	30	25	20	15	30	40	25
Rear Yard	35	35	30	25	30	40	50	30
Side Yards								
One Side Yard	25	12	8	None	None	15	25	15
Combined Side Yards	50	25	16	None	None	40	50	30
Minimum Lot Dimensions								
Area in Square Feet (except where acre- ages are indicated)	1 ac.	(20,000 <sup>2/3</sup> / (11,250 <sup>3/4</sup> / ( 7,200 <sup>4/5</sup> / ( 3,500 <sup>6/7</sup> /DU	(20,000 <sup>2/3</sup> / (11,250 <sup>3/4</sup> / ( 6,000 <sup>4/5</sup> / ( 3,500 <sup>6/7</sup> /DU	None	None	None	None	None
Width In Feet	150	100 <sup>2/3</sup> / 75 <sup>3/4</sup> / 60 <sup>4/5</sup>	100 <sup>2/3</sup> / 75 <sup>3/4</sup> / 60 <sup>4/5</sup>	None	None	None	None	None
Maximum Building Height								
Stories	2½	2½	2½	2	3	3	-	3
Feet	35	35	35	30	40	40	-	40
Maximum % Of Lot Coverage								
	20	40	45	25	35	30	10	30

1/ Except when abutting a Residence District. The requirement for the residence district prevails.

2/ Neither public water nor sewer

3/ Either public water but individual sewage disposal system on each lot, or on-lot water systems but a public sewer system on each lot.

4/ Sewage collected from lot, and disposed of in another area. Six thousand sq.ft. for a single family, as minimum in "R-2" districts.

5/ Except for motels and tourists courts where minimum is one acre.

6/ Except for motels and tourist courts where minimum is 150 feet.

NOTE: In all cases in the Table, the phrase "none" means "none required".

## A. General Regulations

1. Off-street parking, loading and unloading facilities 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.
2. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long. Outdoor parking spaces, and the approaches thereto, shall be paved, or covered with gravel or cinders. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board.
5. Surfacing: Any off-street parking area 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, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
6. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises and public right-of-way.
7. There shall be adequate provision 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. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than twelve (12) feet in width per lane of traffic; and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.



B. Parking facilities required:

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1. Residential parking:

- a. All residential units shall be provided with two (2) off-street parking spaces per dwelling unit.
- b. Residential conversions units shall be provided with a minimum of one (1) parking space per dwelling unit. The required parking shall not be located between the street right-of-way line and the front building line.
- c. Boarding or rooming houses, hotels, motels, and tourist houses. At least one (1) parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

2. Commercial parking:

- a. Auditoriums, churches, schools, or any other place of public or private assembly. At least one (1) parking space for each three (3) seats provided for public or private assembly.
- b. Retail stores and other places for trade or business. One (1) vehicle space for each two hundred fifty (250) square feet of floor area for public use.
- c. Food markets and grocery stores. One (1) vehicle parking space for each two hundred (200) square feet of floor area for public use.
- d. Restaurant, tearooms and cafeteria including taprooms, taverns and night clubs. One (1) vehicle space for each fifty (50) square feet of floor area for public use.
- e. Bowling alley. Five (5) vehicle spaces for each alley.

- f. Office building. At least one (1) parking space for each three hundred (300) square feet of floor area or fraction thereof.
- g. Automobile and gasoline service stations. At least one (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one (1) space for each employee on the largest shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public rights-of-way.
- h. Other commercial buildings. At least one (1) parking space for each four hundred (400) square feet of floor area, or fraction thereof, except when otherwise authorized as a Special Exception consistent with the principals set forth herein for comparable buildings.
- i. Drive-in dairy and restaurants. Provisions for parking for drive-in facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.
- j. Clubs, lodges and other similar places. At least one (1) parking space for each two hundred (200) square feet of floor area.
- k. Swimming pool. At least one (1) parking space for each three (3) persons for whom facilities for dressing are provided; or at least one (1) parking space for every twelve (12) square feet of water surface, including areas for swimming, wading, and diving, whichever requirement is the greater.
- l. Mortuaries, funeral homes and undertaking establishments. At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to: (a) employee parking needs; and (b) a service area for mobile equipment, such as hearses and ambulances.
- m. Home Occupations. At least one (1) for the resident, one (1) for each nonresident employee and two (2) for patron use.

3. Industrial parking:

These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Ordinance. Off-street parking shall be provided on the premises in accordance with the following schedule:

- a. Industrial and manufacturing establishments: One (1) vehicle parking space for each two (2) employees on the combined major and next largest shift.
- b. Wholesale warehouses: One (1) parking space for each two (2) employees on the combined major and next largest shift.
- c. Visitors and salesmen: Space shall be provided in addition to the above parking requirements according to specific needs.

C. Loading and unloading space:

- 1. In addition to the off-street parking space required above, any building erected, converted or enlarged for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
- 2. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.
  - a. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading of materials.

D. Access to off-street parking and loading areas:

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. Access drives shall not open on any public right-of-way;

a. Within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway.

E. Parking and loading area setbacks:

All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property line by a planting strip at least twenty (20) feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required by the Zoning Hearing Board.