

Borough of Stillwater
Zoning Ordinance
Schedule of Uses

Key:
P - Permitted Use
CU - Conditional Use

Uses	Zoning Districts			
	VC	C	AFP	WC
Accessory Use or Structure	P	P	P	P
Agricultural Business		CU	CU	
Agriculture			P	P
Animal Hospital		CU		
Bed and Breakfast Inn	CU		CU	
Camp or Seasonal Dwelling			CU	P
Cluster Subdivision	CU			
Cultivation of Crops (no permit required)	P	P	P	P
Day Care Center	CU	CU		
Dwelling, Multiple Family	CU			
Dwelling, Single Family	P		CU	P
Dwelling, Two Family	P			
ECHO Dwelling	CU	CU	CU	CU
Essential Service (no permit required)	P	P	P	P
Family Based Group Home	P			
Family Day Care Home	P	P	P	P
Group Care Facility		CU		
Home Occupation	P	P	P	P
Indoor Recreation or Entertainment Facility		CU		
Kennel		CU	CU	CU
Mobile Home Park	CU			
Motel		CU		
Nursing Home or Retirement Village	CU			
Outdoor Recreation Use or Facility			CU	CU
Parking Lot (as a principal use)	CU	P		
Professional Office		P		
Public or Quasi-Public Use	P	CU	CU	CU
Restaurant	CU	P		
Retail, Office, Service, or Repair Business	CU	P		
Shopping Center		CU		
Surface Mining			CU	
Townhouse	CU			
Waste Storage or Processing Facility			CU	
Wholesale, Distribution, or Printing Business		CU		

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Zoning Ordinance

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ORDINANCE NUMBER 36

THE STILLWATER BOROUGH ZONING ORDINANCE

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOODPLAINS.

ARTICLE 1

General Provisions

1.1 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

1.2 Title

This Ordinance shall be know and may be cited as the Stillwater Borough Zoning Ordinance.

1.3 Purpose

The provisions of this Ordinance has been designed to:

- 1.3.1 Regulate, promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, or agricultural use, and other public requirements; as well as

preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers and floodplains.

- 1.3.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, noise and other types of pollution, loss of health, life or property from fire, flood, panic or other dangers.
- 1.3.3 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 1.3.4 To prevent land uses which conflict with the residential character of the community.
- 1.3.5 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.

1.4 Statement Of Community Development Objectives

This Ordinance has been prepared in accordance with the 1970 Summary Of The Benton-Stillwater Area Comprehensive Plan and the 1994 Comprehensive Plan Update including the statement of "Revised Goals For The Borough" found in the 1994 document.

1.5 Establishment Of Controls

1.5.1 Minimum And Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.5.2 For New Uses And Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

1.5.3 For Existing Uses And Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in

which it is located shall be deemed as nonconforming and subject to the regulations of Article 8.

1.5.4 Types of Controls

The following minimum and uniform regulations shall apply in the respective districts:

- 1.5.4.1 Use regulations, including Permitted, Conditional, and Special Exception Uses;
- 1.5.4.2 Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- 1.5.4.3 Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Noise Controls; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections Into Yards; Screening and Landscaping; Signs; and other unique conditions; and
- 1.5.4.4 Criteria for the evaluation of Conditional and Special Exception Uses.

1.6 Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

1.7 Conflicts

1.7.1 Repeal

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1.7.2 Relation To State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are in excess of this Ordinance. The Ordinance shall control in all cases where the State requirements are less than herein contained.

1.8 Amendment To Prior Ordinance

This Ordinance serves to amend under the terms of Section 609 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended, the prior Stillwater Borough Zoning Ordinance, Ordinance Number 23 enacted and ordained by the Borough Council of Stillwater, Columbia County, Pennsylvania, on June 2, 1970, and any subsequent amendments to that Ordinance.

1.9 Effective Date

This Ordinance shall be effective on December 6, 1994.

Adopted this sixth day of December, 1994

BOROUGH OF STILLWATER

Jolene S. Kline Jr.
President

Gerald J. McMichael
Vice President

ATTEST:

Mrs. Lela R. Kline
Secretary

ARTICLE 2

Definitions

2.1 General Interpretation

For the purpose of this Ordinance, the terms and words listed in the Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

2.2 Rules Of Interpretation

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- 2.2.1 Words in the present tense include the future tense.
- 2.2.2 Words in the singular case include the plural and words in the plural case include the singular.
- 2.2.3 The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used to be occupied, or offered for occupancy."
- 2.2.4 The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.

2.3 Terms Defined

Access Drive: A means of vehicular approach or entry to or exit from property, from a street, or highway.

Accessory Use Or Structure: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building or land use.

Addition: Any construction which increases the size of a building or adds to the building.

Agricultural Business: Any business related to the processing and sale of agricultural products or supplies or the sale and/or repair of agricultural equipment.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, beekeeping, agriculture, forestry, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses such as farm dwellings, feedlots, manure handling facilities, animal barns, implement buildings, greenhouses, roadside stands, produce packing facilities, and buildings for feed, grain, and equipment storage; provided, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. For the purpose of this ordinance, the word Agriculture shall not include "Kennels" nor "Agriculture Business".

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

Animal Hospital: A facility operated by a Doctor of Veterinary Medicine for the treatment, housing or boarding of domestic animals.

Apartment: A living unit in a multiple family dwelling.

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

Automobile Sales or Service: An area of land or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers, or for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles. For the purpose of this ordinance Automobile Sales or Services are classified as Retail Services.

Balcony: An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the above grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

Basement: A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A basement shall not be considered in determining the permissible number of stories.

Bed and Breakfast Inn: A non-restaurant short-term transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14 day stay to avoid becoming multi-family rental dwellings.

Board: The Zoning Hearing Board for the Borough of Stillwater, Columbia County, Pennsylvania.

Borough: The Borough of Stillwater, Columbia County, Pennsylvania.

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

Building Coverage: The portion of a lot, expressed as a percentage, that may be covered by the total ground floor area of all principal and accessory buildings on a lot including covered porches, carports and breezeways.

Building Height: The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Setback Line: See Yards

Camp: A part-time or seasonal dwelling.

Campground: A tract or tracts of land, or any portion thereof, used for the purpose of providing two or more spaces for travel trailers, cabins, or tents, and excluding mobile homes, with or without a fee charged for the leasing, renting or occupancy of such space. A campground may include the single family dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as a Outdoor Recreation Use.

Cartway: The surface of a street or alley available for vehicular traffic.

Church: A building used for public worship including separate buildings used for residential, educational, burial, recreational or other uses. For the purpose of this ordinance a church is classified as a Public or Quasi-Public Use.

Clear Site Triangle: An area of unobstructed vision at street intersections or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerline. See Intersection Visibility in Article 8.

Cluster Subdivision: A large scale residential development of 10 acres or more, in which individual dwelling units or buildings are grouped together. Modification or reduction of the minimum yard and lot size requirements are permitted in exchange for an equivalent amount of land in open space to be preserved for scenic, recreation, or conservation purposes. The gross residential density of the underlying district cannot be exceeded in this type of development. See Cluster Subdivision in Article 9.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use of enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Community System: A central water or sewerage system, the rates and service of which are not controlled by a government authority.

Comprehensive Plan: A plan, prepared by the Planning Agency pursuant to Article III of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Conditional Use: A use which may not be appropriate in a particular zoning district as a whole but which may be suitable in certain locations within the district when specific conditions and factors prescribed within this Ordinance for such cases are met. "Conditional Uses" are allowed or denied by the Borough Council after recommendation by the Planning Agency.

Condominium: A building, a group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Correctional Facility: A institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

Cultivation Of Crops: The use of land for raising of crops, nursery products, or forests and excluding the keeping of animals.

Day Care Center: A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis. Day care service may include nursery schools and preschool, but shall not include services provided by a physician or nurse, or facilities operated primarily for education, or care classified as a Family Day Care Home.

Decibel: The unit of measurement for the relative loudness of sounds to each other, being approximately the smallest degree of difference detectable by the human ear.

Density: The average number of person, families or dwellings per unit of area (acre, square mile, etc.).

Net Residential Density: Density of the building site.

Gross Residential Density: Density of the building site plus traversing streets, alleys and drives, open space and one-half of bounding streets.

Developer: Any landowner, agent of such landowner or lessee with the permission of such landowner, who makes or causes to be made a subdivision or a land development.

Driveway: A vehicular way for entrance and exit to a property and circulation within the property.

Dwelling: Any structure, or portion thereof, which is designed or used for residential purposes. The term dwelling shall not be deemed to include motel, boarding or rooming house, bed and breakfast inn, hotel, hospital, or nursing home.

Dwelling, Farm: A dwelling unit located on a farm which is used as the residence of the owner of that farm or of persons necessary for the operations of the farm.

Dwelling, Mobile Home: A factory manufactured single-family dwelling build on a chassis. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term does not include recreation vehicles or travel trailers.

Dwelling, Modular Home: A structure intended for permanent occupancy as a dwelling consisting of prefabricated sections or components constructed according to nationally recognized building codes at another location and transported to the site for assembly, placement upon and attachment to a permanent foundation.

Dwelling, Multiple Family: A building designed for or containing two or more dwelling units, sharing access from a common hall, stair, or balcony.

Dwelling, Single Family Attached: See Townhouse.

Dwelling, Single Family: A detached dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit and having an additional lot with private yards on all four sides of the house.

Dwelling, Two- Family: Two dwelling units, each of which is attached side to side, or one above the other, each one sharing only one common wall with the other. Each unit shall have individual access to the outside.

Dwelling Unit: A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement: Authorization by a property owner for use by another of any designated part of his property for a specified purpose.

ECHO Dwelling: An elder cottage housing opportunity which may be approved as an accessory use to a single family dwelling (see ECHO Dwelling in Article 9).

Essential Services: Public utility facilities that do not require enclosure in a building, including gas, electrical, steam, telephone, or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Family: An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Family Based Group Home: Is a public agency licensed, supervised, or operated facility which provides resident service in a private residence to 3 or fewer individuals who are not related to the resident householder. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided 24 hour service and supervision in accordance with their individual needs. This category includes foster homes for children and group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, nursing homes, hospitals, halfway houses, prisons, or jails. No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.

Family Day Care Home: A residence offering baby-sitting services and child care services to a maximum of six children unrelated to the resident household. A family day care home is permitted as a home occupation in the residential district.

Feed Lot: A concentrated animal or poultry operation for meat, eggs, or milk production, or stabling in pens. Also housing where animals or poultry are fed in confinement.

Fence: An enclosure or barrier such as wooden posts and boards, steel posts, woven wire, chain link, block, brick, or stone, etc., used as a boundary or means of protection or confinement.

Floodplain - A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation. The boundary of this

area shall coincide with the boundary of the 100 year flood as defined in the Borough Floodplain Ordinance of December 10, 1985, as amended by Ordinance No. 30 (January 2, 1990), as amended.

Garage, Private: A garage intended for and used for the storage of the private motor vehicles of the families resident upon the premises or by individuals residing in the immediate vicinity of the private garage.

Garage Sale: See Yard Sale.

Governing Body: The Borough Council of the Borough of Stillwater, Columbia County, Pennsylvania.

Grade:

Finish: The top surface elevation of lawns, drives, or other improved surfaces after completion of construction or grading operations.

Natural: The elevation of the original or undisturbed natural surface of the ground.

Subgrade: The elevation established to receive top surfacing or finishing materials.

Gross Floor Area: The sum of the floor area for all stories or all floors of a building excluding basements and attics not accessible to public use.

Group Care Facility: Is a public agency licensed, supervised, or operated facility which provides resident services to 10 or fewer individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided 24 hour services to meet their needs. This category includes group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes. This category does not include day care centers, family based group homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or within 500 ft. of a Family Based Group Home.

Habitable Floor Area: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, attics, storage or utility spaces, and similar areas are not considered as a part of the habitable floor area.

Home Occupation: Any activity conducted entirely within a dwelling, accessory structure, or on a farm which is clearly consistent and subordinate to the use of the premises for residential or agricultural purposes and providing that the exterior appearance of the building is maintained and there is no exterior evidence of the secondary activity other than the sign permitted herein.

Homeowner's Association: An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or home owner in a Cluster Subdivision or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property and (c) the charge if unpaid becomes a lien against the property.

Impervious Surface: That portion of a lot (expressed as a percentage) that does not absorb precipitation. All buildings, structures, parking areas, driveways, roads, sidewalks, and any other areas which are covered by roofing, concrete, asphalt, etc. materials shall be considered impervious surfaces.

Indoor Recreation Or Entertainment Facility: A profit or non-profit business in which indoor amusement, entertainment, cultural events, play or other exercise is offered or sold. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

Industrial Park: A tract of land developed for industrial and manufacturing uses on individual lots usually utilizing a common access road and utilities.

Institution: A public or private facility providing for extended care of inmates or residents.

Junk: Any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, partially dismantled, dilapidated, or so worn, deteriorated, or in such a condition as to be generally unusable and/or inoperable in its existing state. The shall included by way of illustration only and without limitation wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste concrete, rubble, boxes, crates, building materials, or machinery parts.

Junk Yard: The use of more than 1% or 1,000 sq. ft., whichever is the lesser, of the area of any lot for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobile or other vehicles or machinery or parts thereof. A junk yard shall include an automobile graveyard or motor vehicle grave yard.

Junk Stored as an Accessory Use: The use of less than 1% or 1,000 sq. ft., whichever is lesser, of the area of any lot for the outdoor storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobile or other vehicle or machinery or parts thereof. See Junk Stored as an Accessory Use in Article 8 for provisions governing this use.

Kennel: A lot or building in which four (4) or more dogs or cats at least four months of age are kept for the purpose of protecting the animals from injury, containment of the animals, and restraining entrance of other animals.

Land Development: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (i) 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
 - (ii) the division or allocation of land or space whether initially or cumulatively, between or among two 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.

Lot: A piece or parcel of land undivided by any street or right-of-way occupied or intended to be occupied by a principal building or use or a group of buildings conforming with the regulations of this Ordinance and its accessory buildings and uses, including all open spaces required by this Ordinance, and having frontage on a road.

Lot Area: The computed area contained within the lot lines exclusive of any street right-of-ways, but including the area of any easement.

Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road and, in either case, forming an interior angle of less than one hundred thirty-five degrees.

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

Lot, Double Frontage: A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot Line: A legally defined line dividing one parcel of property from another.

Lot Line, Front: The line separating the lot from street right-of-way line upon which it abuts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The width of the lot measured at right angles to its center line, at the front building line.

Minerals: The term minerals includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

Mixed Occupancy: The use of a lot for more than one principal use.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains more than two mobile home lots for the placement thereon of mobile homes.

Motel: A building or group of buildings located on a lot, arranged and used for lodging of guests, including convenient parking space on the premises and facilities for service of food to lodgers and/or non-lodgers, and may include retail sale of commodities and services, and facilities for educational activities and recreation for lodgers and/or non-lodgers.

Municipality: The municipal corporation known as the Borough of Stillwater, Columbia County, Pennsylvania.

Nonconforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

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

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

Nursing Home or Retirement Village: An institution providing for extended care of greater than three (3) residents, excluding a correction facility.

Office: A place where the affairs of a business or a profession are carried out, not including the manufacture or assembly of products or merchandise.

Official Map: A map established by the Borough Council pursuant to Article IV of the Planning Code showing streets, highways, and parks and drainage, both existing and proposed.

Open Space: That portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use.

Outdoor Recreation Use: Public or private outdoor recreational uses and activities, including but not limited to: campgrounds; recreational vehicle parks; marinas; day camps; picnic grounds; golf courses; boat launching and swimming areas; hiking, bike, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; trap and skeet ranges; and hunting and fishing areas.

Parking Lot: A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

Parking Space: A permanently surfaced area of not less than one hundred eighty square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

Permit: A document issued by the Municipality, authorizing an applicant to undertake certain activities.

Zoning Permit: A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with the construction or development of the use, building or structure.

Occupancy Permit: A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use: Any use which does not require special action by the Zoning Hearing Board or by the Borough Council before a zoning permit is granted by the Zoning Officer.

Planning Agency: The planning commission, planning department, or a planning committee of the Borough of Stillwater, Columbia County, Pennsylvania.

Plan: A map, plat or layout showing the subdivision of land and indicating the location and boundaries of individual lots or properties.

Porch: A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than 30 inches high and which shall be open on all sides, except the side adjoining the building.

Principal Use Or Structure: A building housing the main or principal use of the lot on which the building is located.

Professional Office: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, author, or other similar professional occupations.

Property Line: See Lot Line.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code and this Ordinance.

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 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 not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public or Quasi-Public Use: Uses or structures designed, intended or arranged for the use or service of the general public, although the fees and conditions of such use may be determined and regulated by the operator thereof, e.g. Banks, Post Offices, Churches, Cemeteries, Schools, Recreation Areas, Community Centers, Fire Halls, and other uses of the same general character.

Public System: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

Recreation Areas: Areas for playgrounds, play fields, court games and/or swimming pools, but excluding social or fraternal clubs or clubhouses. For the purpose of this ordinance a Recreation Area is classified as a Public or Quasi-Public Use.

Recreation Vehicle: A vehicular type of portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any site upon which two or more recreational vehicles are, or are intended to be located. This use may include the single family dwelling of the owner or operator of the facility. For the

purpose of this ordinance a Recreational Vehicle Park is classified as an Outdoor Recreation Use.

Restaurant: An establishment whose principal business is the sale of food and beverages in a ready-to-consume state for consumption on the premises or off premises as carry-out orders.

Right-Of-Way: That portion of land dedicated to the public for use as a street, drain, ditch, stream, utility easement or cross walk.

Road: See Street.

Roadside Stand: A structure designed or used for the display or sale of neighborhood agricultural products produced on the premises upon which such a stand is located.

Screen Planting: A visual obstruction or suitable fence or wall at least six feet high or attractive, maintained shrubs or hedges a minimum of four feet high intended as a barrier to visibility, glare and noise between adjacent properties.

Seasonal Dwelling: A vacation home, hunting and fishing camp, or other similar part-time residential/recreational use.

Setback Lines: See Building Lines.

Shopping Center: A commercial land development.

Sign: Any exterior name, identification, description, display, or illustration exposed to public view which directs attention to an object, product, place, activity, person, institution, organization or business. A projecting or free-standing sign with two faces shall be considered as a single sign. All sign material and information contained within a single frame support shall be considered as one sign.

Sign, Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Area of: (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background,

whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background or a different color than the primary color of the building.

(c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters and symbols.

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

Sign, Portable: Any sign or structure which is not securely attached to the ground or other structure.

Special Exception Use: A use which by its unique characteristics requires individual consideration by the Zoning Hearing Board before a zoning permit may be decided upon.

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

Story, First: The lowest story or the ground story of any building, the floor which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

Story, Half: A partial story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: A public or private right-of-way of the required width which affords the principal means of access for vehicles and pedestrians to abutting property. The term "street" shall include street, avenue, drive, circle, highway or any similar term except an alley.

Street, Arterial: A street serving a large volume of comparatively high speed and long distance traffic, including all streets classified as arterial streets in the Borough of Stillwater Comprehensive Plan.

Street Collector: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to arterial streets. Collector streets are so designated in the Borough of Stillwater Comprehensive Plan.

Street, Minor: Streets within subdivisions and developments, including marginal access streets and cul-de-sac streets, which are designed to afford primary access to abutting property.

Street, Public: All streets and rights-of-way open to public use and maintained by, or dedicated to and accepted by the Borough or PennDOT.

Street, Private: All streets and rights-of-way not dedicated, accepted, and maintained as public streets.

Street Right-Of-Way Line: An established line marking the extent of the road or street right-of-way regardless of whether or not such right-of-way is dedicated.

Structure; Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free standing wall. A sign, billboard or other advertising medium, detached or projecting, shall also be construed to be a structure.

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

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, partition by the court for distribution to heirs or devisees, transfer of ownership or building development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted.

Surface Mining: Surface mining shall mean the extraction of minerals from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, leaching and activities related thereto, but not including those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings. "Surface mining" shall not include (i) the extraction of minerals (other than anthracite and bituminous coal) by a landowner for his own non-commercial use from land owned or leased by him; nor (ii) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the areas affected in accord with DER requirements.

Tent: A collapsible shelter of canvas or other portable material used, when erected, for the temporary occupancy of one or more persons.

Theater: A building or part of a building devoted to the showing of moving picture or theatrical productions on a commercial basis. See Recreation or Entertainment Facility.

Tourist Home: See Bed and Breakfast Inn.

Townhouse: A "single-family attached dwelling" of three or more adjoining dwelling units, each of which is separated from the other by one or more unpierced firewalls from ground to roof, having individual outside access. Rows of attached townhouses shall not exceed eight dwelling units.

Tract Size: The area of the entire development lot including all buildings, individual unit lots, open space, and required yards.

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation, having a width of less than ten feet and an overall length not greater than 35 feet, but not to be construed as a mobile home for permanent residence.

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.

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

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or as otherwise disposed in accord with PA Department of Environmental Resources definitions and regulations.

Waste Storage or Processing Facility: A municipal or municipal authority owned and operated facility where land, structures and other appurtenances or improvements are utilized for the processing or disposal of municipal or residual, but not hazardous waste.

Yard: The open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of the building from the ground upward, except as otherwise provided for in this ordinance.

Yard, Front: The open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed by any portion of the building from the ground upward, except as otherwise provided for in this ordinance.

Yard, Minimum: The minimum open space that is required to be provided between any front, rear, or side lot line and a principal or accessory structure on the lot.

Yard, Rear: The open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed by any portion of the building from the ground upward, except as otherwise provided for in this ordinance.

Yard, Side: The open space extending between a building and the adjacent side lot line extending entirely from the front yard to the rear yard. This space shall be unoccupied and unobstructed by any portion of the building from the ground upward, except as otherwise provided for in this ordinance.

Yard Sale: The sale by a resident conducted on the premises of tangible personal property belonging to the owner or occupant of such property. See Yard and Garage Sales in Article 8.

Zoning District: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Hearing Board: The Zoning Hearing Board for the Borough of Stillwater, Columbia County, Pennsylvania.

Zoning Map: The Official Zoning Map of the Borough of Stillwater. See Zoning District Maps in Article 3.

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

Zoning Permit: See Permit.

ARTICLE 3

Zoning Districts And Zoning Maps

3.1 Establishment Of Zoning Districts

For the purposes of the Zoning Ordinance, the Borough of Stillwater is hereby divided into the following zoning districts:

- VC - Village Center District
- C - Commercial District
- AFP - Agriculture/Floodplain
Preservation District
- WC - Woodland Conservation District

3.2 Zoning District Maps

3.2.1 Adoption of Official Zoning Map

The areas within the Borough limits as assigned to each district and the location of boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept at the Borough Office. If, and whenever, changes are made in boundaries or other matter included on the Official Zoning Map, such changes in the map shall be made after the amendment has been approved by the Borough Council.

3.2.2 Copies of Zoning Map

Regardless of the existence of copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be that map which is on file at the Borough Building. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

3.2.3 Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on the Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of roadways and

streams, the corporate boundary of the Borough or as identified on the Map.

3.2.4 Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Borough Council shall determine the location of such boundary. The Borough Council may request a recommendation from the Borough Planning Agency prior to making such decision.

ARTICLE 4

Village Center District

4.1 Purpose of the Village Center District

The purpose of the Village Center District is to maintain and improve the existing village community, including its' mixture of the various types of residential, public service, cultural, and commercial uses.

New development for the uses noted above can be accommodated in the Village Center District provided that the village character is maintained, that the pertinent standards contained within this ordinance are met, and to the extent that land is available for its' use. Projects shall be designed to insure compliance with flood plain regulations, adequate and safe highway access, and proper sewage facilities.

4.2 Use Regulations for the Village Center District

4.2.1 Permitted Uses

- 4.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 8);
- 4.2.1.2 Cultivation of Crops (no permit required);
- 4.2.1.3 Dwelling, Single Family;
- 4.2.1.4 Dwelling, Two Family;
- 4.2.1.5 Essential Service (no permit required);
- 4.2.1.6 Family Based Group Home (see supplemental regulation in Article 8);
- 4.2.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article 8);
- 4.2.1.8 Home Occupation (see supplemental regulation in Article 8); or
- 4.2.1.9 Public or Quasi-Public Use;

4.2.2 Conditional Uses (criteria found in Article 9)

- 4.2.2.1 Bed and Breakfast Inn;
- 4.2.2.2 Cluster Subdivision;
- 4.2.2.3 Day Care Center;
- 4.2.2.4 Dwelling, Multiple Family;
- 4.2.2.5 ECHO Dwelling;
- 4.2.2.6 Mobile Home Park;
- 4.2.2.7 Nursing Home or Retirement Village;
- 4.2.2.8 Parking Lot (see supplemental regulations for Off-Street Parking and Loading found in Article 8);
- 4.2.2.9 Restaurant;
- 4.2.2.10 Retail, Office, Service, or Repair Business);
or
- 4.2.2.11 Townhouse.

4.3 Density, Height, and Coverage Regulations

- 4.3.1 Maximum Gross Density: 5 dwelling units per acre
(this standard shall govern over the minimum lot area requirements of Section 4.4)
- 4.3.2 Maximum Building Coverage
 - Residential: 30%
 - Non-Residential: 50%
- 4.3.3 Maximum Impervious Surface
 - Residential: 50%
 - Non-Residential: 70%
- 4.3.4 Maximum Building Height: 35 ft.

4.4 Minimum Areas and Dimensions

4.4.1 Single Family Dwelling and Family Based Group Home

4.4.1.1 Minimum Lot Area

on-lot sewer and water: 43,560 sq. ft.
(1 acre)
public/community sewer or water: 20,000
sq.ft.
public/community sewer and water: 10,000
sq.ft.

4.4.1.2 Minimum Lot Width

on-lot sewer and water: 100 ft.
public/community sewer or water: 80 ft.
public/community sewer and water: 65 ft.

4.4.1.3 Minimum Yards:

front: 25 ft.
40 ft. (S.R. 0487)
side: 8 ft.
rear: 20 ft. (principal structure)
8 ft. (accessory structure)

4.4.2 Two Family Dwellings

4.4.2.1 Minimum Lot Area Per Family

on-lot sewer and water: 32,000 sq. ft.
public/community sewer or water: 16,000
sq. ft.
public/community sewer and water: 8,000
sq. ft.

4.4.2.2 Minimum Lot Width

on-lot sewer and water: 160 ft. or 85 ft. per
family if the lot is divided.
public/community sewer and (or) water: 125
ft. or 70 ft. per family if the lot is
divided.

4.4.2.3 Minimum Yards: (no side yard required between the units if lot is divided)

front: 25 ft.
40 ft. (S.R. 0487)
side: 8 ft.

rear: 20 ft. (principal structure)
8 ft. (accessory structure)

4.4.3 Townhouses

4.4.3.1 Minimum Lot Area and Width

Bedrooms	Minimum Lot Area Per Unit	Minimum Lot Width
1	1600 sq. ft.	18 ft.
2	1800 sq. ft.	20 ft.
3	2000 sq. ft.	22 ft.
4	2200 sq. ft.	24 ft.
5	2400 sq. ft.	26 ft.

4.4.3.2 Minimum Tract Size: 3 acres

4.4.3.3 Minimum Yards:

front: 25 ft.
40 ft. (S.R. 0487)
side: zero (between units)
40 ft. (between buildings)
rear: 30 ft.

4.4.3.4 **Water and Sewage Facilities:** Water and sewage facilities shall be provided by connection to public systems, if available. When satisfactory public systems are not available, the developer shall design, install, and maintain approved privately owned community systems according to the standards of the PA Department of Environmental Resources.

4.4.4 Multiple Family Dwellings or Nursing Home or Retirement Village

4.4.4.1 Minimum Lot Area: 3 acres

4.4.4.2 Minimum Lot Width: 300 ft.

4.4.4.3 Minimum Yards:

front: 50 ft.
side: 20 ft.
rear: 30 ft.

4.4.4.4 Minimum Building Separation: 30 ft.

4.4.4.5 Water and Sewage Facilities: Water and sewage facilities shall be provided by connection to public systems, if available. When satisfactory public systems are not available, the developer shall design, install, and maintain approved privately owned community systems according to the standards of the PA Department of Environmental Resources.

4.4.5 Cluster Subdivision

4.4.5.1 Minimum Tract Size: 10 acres

4.4.5.2 Minimum Areas and Dimensions:

See Cluster Subdivision regulations in Article 9 for permitted deviations from areas and dimensions for individual lots within the Cluster Subdivision.

4.4.5.3 Water and Sewage Facilities: Water and sewage facilities shall be provided by connection to public systems, if available. When satisfactory public systems are not available, the developer shall design, install, and maintain approved privately owned community systems according to the standards of the PA Department of Environmental Resources.

4.4.6 Bed & Breakfast Inn; Day Care Center; Parking Lot (as a principal use); Public or Quasi-Public Use; Restaurant; or Retail, Office, Service, or Repair Business.

4.4.6.1 Minimum Lot Area: 65,340 sq. ft. (1.5 acres)

4.4.6.2 Minimum Lot Width: 150 ft.

4.4.6.3 Minimum Yards:

front: 40 ft.

side: 20 ft.

rear: 20 ft.

4.4.7 Mobile Home Park

4.4.7.1 Minimum Park Area: 10 acres

4.4.7.2 Minimum Park Lot Width: 500 ft.

4.4.7.3 Subdivision and Land Development Plan Requirements

All proposed Mobile Home Parks shall comply with Section 600 of the Columbia County Subdivision and Land Development Ordinance, as amended (see Appendix A).

4.4.7.4 Water and Sewage Facilities: Water and sewage facilities shall be provided by connection to public systems, if available. When satisfactory public systems are not available, the developer shall design, install, and maintain approved privately owned community systems according to the standards of the PA Department of Environmental Resources.

4.5 Special Front Yard Consideration In The Village Center District

4.5.1 The minimum front yard requirement may be reduced to the average of the adjoining lots.

ARTICLE 5

Commercial District

5.1 Purpose of the Commercial District

The purpose of the Commercial District is to provide an area in the Borough where customer service and business uses may be situated with adequate highway access. Such uses will be developed to minimize disruption to the residential character of the Borough. In addition, consideration shall be given to the provision of well designed, safe highway access.

5.2 Use Regulations for the Commercial District

5.2.1 Permitted Uses

- 5.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 8);
- 5.2.1.2 Cultivation of Crops (no permit required);
- 5.2.1.3 Essential Service (no permit required);
- 5.2.1.4 Family Day Care Home (see supplemental regulations under Home Occupation in Article 8);
- 5.2.1.5 Home Occupation (see supplemental regulations in Article 8);
- 5.2.1.6 Parking Lot (see supplemental regulations for Off-Street Parking and Loading in Article 8);
- 5.2.1.7 Professional Office;
- 5.2.1.8 Restaurant; or
- 5.2.1.9 Retail, Office, or Repair Business.

5.2.2 Conditional Use (criteria found in Article 9)

- 5.2.2.1 Agricultural Business;
- 5.2.2.2 Animal Hospital;
- 5.2.2.3 Day Care Center;
- 5.2.2.4 ECHO Dwelling;

- 5.2.2.5 Group Care Facility;
- 5.2.2.6 Indoor Recreation or Entertainment Facility;
- 5.2.2.7 Motel;
- 5.2.2.8 Public or Quasi-Public Use;
- 5.2.2.9 Shopping Center; or
- 5.2.2.10 Wholesale, Distribution, or Printing Business

5.3 Height and Coverage Requirements

- 5.3.1 Maximum Building Coverage: 40%
- 5.3.2 Maximum Impervious Surface: 60%
- 5.3.3 Maximum Building Height: 45 ft.

5.4 Minimum Areas and Dimensions

- 5.4.1 Agricultural Business; Animal Hospital; Day Care Center; Group Care Facility; Indoor Recreation or Entertainment Facility; Parking Lot (as a principal use); Professional Office; Public or Quasi-Public Use; Restaurant; Retail, Office, or Repair Business; or Wholesale, Distribution, or Printing Business

- 5.4.1.1 Minimum Lot Area: 2 acres
- 5.4.1.2 Minimum Lot Width: 250 ft.
- 5.4.1.3 Minimum Yards:
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.

5.4.2 Motel or Shopping Center

- 5.4.2.1 Minimum Lot Area: 5 acres
- 5.4.2.2 Minimum Lot Width: 400 ft.
- 5.4.2.3 Minimum Yards:
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.

ARTICLE 6

Agriculture/Flood Plain Preservation District

6.1 Purpose of the Agriculture/ Flood Plain Preservation District

The purpose of the Agriculture/Flood Plain Preservation District is to encourage the continued use of farmland, including prime farm land within the Fishing Creek floodplain, for agricultural purposes. Limited non-agricultural uses shall be permitted to the extent that they are compatible with agricultural uses and in compliance with the floodplain regulations of the Borough. Agricultural business concerns and other uses supportive of the agricultural community are to be encouraged.

6.2 Special Requirements

All uses and structures shall conform to the requirements of the Stillwater Borough Floodplain Ordinance of December 10, 1985, as amended by Ordinance No. 30 (January 2, 1990), as amended.

6.3 Use Regulations for the Agriculture/ Flood Plain Preservation District

6.3.1 Permitted Uses

- 6.3.1.1 Accessory Use or Structure (see supplemental regulations in Article 8);
- 6.3.1.2 Agriculture;
- 6.3.1.3 Cultivation of Crops (no permit required);
- 6.3.1.4 Essential Service (no permit required);
- 6.3.1.5 Family Day Care Home (see supplemental regulations under Home Occupation in Article 8); or
- 6.3.1.6 Home Occupation (see supplemental regulations in Article 8).

6.3.2 Conditional Uses (criteria found in Article 9)

- 6.3.2.1 Agricultural Business;
- 6.3.2.2 Bed and Breakfast Inn;

- 6.3.2.3 Camp or Seasonal Dwelling (see special requirements in Section 6.6)
- 6.3.2.4 Dwelling, Single Family (see special requirements in Section 6.6)
- 6.3.2.5 ECHO Dwelling;
- 6.3.2.6 Kennel (see criteria under Animal Hospital in Article 9);
- 6.3.2.7 Outdoor Recreation Use or Facility;
- 6.3.2.8 Public or Quasi-Public Use;
- 6.3.2.9 Surface Mining; or
- 6.3.2.10 Waste Storage or Processing Facility.

6.4 Height and Coverage Requirements

- 6.4.1 Maximum Building Coverage: 20%
- 6.4.2 Maximum Impervious Surface: 30%
- 6.4.3 Maximum Building Height: 45 ft.

6.5 Minimum Areas and Dimensions

- 6.5.1 Agricultural Business; Bed and Breakfast Inn; Kennel; or Public or Quasi-Public Use.
 - 6.5.1.1 Minimum Lot Area: 2 acres
 - 6.5.1.2 Minimum Lot Width: 200 ft.
 - 6.5.1.3 Minimum Yards:
 - front: 40 ft.
 - side: 20 ft.
 - rear: 20 ft.
- 6.5.2 Agriculture or Outdoor Recreation Use or Facility
 - 6.5.2.1 Minimum Lot Area: 10 acres
 - 6.5.2.2 Minimum Lot Width: 400 ft.

6.5.2.3 Minimum Yards:

front: 100 ft.
side: 50 ft.
rear: 50 ft.

6.5.3 Surface Mining or Waste Storage or Processing Facility

6.5.3.1 Minimum Lot Area: 100 acres (exclusive of 100 year flood plain areas)

6.5.3.2 Minimum Lot Width: 500 ft.

6.5.3.3 Minimum Yards: 100 ft.

6.5.4 Camp, Seasonal Dwelling or Single Family Dwelling.

6.5.4.1 Minimum Lot Area: 2 acre

6.5.4.2 Maximum Lot Area: 5 acre

6.5.4.3 Minimum Lot Width: 150 ft.

6.5.4.4 Minimum Yards:

front: 25 ft.
40 ft. (S.R. 0487)
side: 10 ft.
rear: 20 ft. (principal structure)
8 ft. (accessory structure)

6.6 Conditional Use Criteria for Camp or Seasonal Dwelling and Single Family Dwelling in the Agriculture/Floodplain Preservation District

These uses shall be permitted in accordance with the following requirements:

<u>Original Lot Size (acres)</u>	<u>Number of Seasonal or Single Family Dwellings or Lots Permitted</u>
20 or less	2
>20-50	3
>50-110	4
>110-180	5
>180-260	6 plus one (1) dwelling for each 80 acres over 260 acres

- 6.6.1 The dwellings or lots created after the date of this ordinance shall ideally be contiguous, use a common access, and be located on the least agriculturally productive land feasible, so as to minimize interference with agricultural operations.
- 6.6.2 Dwellings existing at the date of adoption of this ordinance on the original lot shall be included to determine the number of dwellings or lots permitted. Where an existing structure includes more than one single family unit on the date of enactment of this ordinance, the existing structure shall be considered as one single family dwelling for purposes of this provision. Should said structure be converted to fewer dwelling units, the said (number of) dwelling units shall not thereafter be increased.
- 6.6.3 The Original Lot Size (acres) shall be the number of contiguous acres owned by the same person, persons or entity on the date of adoption of this ordinance. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous. The subdivision of contiguous tracts after the date of the adoption of this ordinance shall not increase the number of dwellings or lots permitted under this provision. No distinction or exception shall be made for dwellings owned or occupied by person, persons, or entities owning, operating or working on a farm on which it is erected, commonly referred to as a farm dwelling. Farm dwellings shall be included as dwellings in determining the number of dwellings or lots permitted.

ARTICLE 7

Woodland Conservation District

7.1 Purpose of the Woodland Conservation District

The purpose of the Woodland Conservation District is to encourage the conservation of the steeply sloping and forested lands of the Borough which are not generally suited for development. Low density development will be permitted only when suitable access and utilities can be obtained.

The conservation of open spaces, water supply resources, woodlands, wetlands, wildlife, scenic areas and other natural resources shall be encouraged. Suitable outdoor recreation facilities can be permitted for the appreciation of these resources.

7.2 Use Regulations For The Woodland Conservation District

7.2.1 Permitted Uses

- 7.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 8);
- 7.2.1.2 Agriculture;
- 7.2.1.3 Camp or Seasonal Dwelling;
- 7.2.1.4 Cultivation of Crops (no permit required);
- 7.2.1.5 Dwelling, Single Family;
- 7.2.1.6 Essential Service (no permit required);
- 7.2.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article 8); and
- 7.2.1.8 Home Occupation (see supplemental regulations in Article 8).

7.2.2 Conditional Uses (criteria found in Article 9)

- 7.2.2.1 ECHO Dwelling
- 7.2.2.2 Outdoor Recreation Use or Facility

7.2.2.3 Public or Quasi-Public Use.

7.3 Height and Coverage Requirements

7.3.1 Maximum Building Coverage: 20%

7.3.2 Maximum Impervious Surface: 30%

7.3.3 Maximum Building Height: 35 ft.

7.4 Minimum Areas and Dimensions For All Uses

7.4.1 Minimum Lot Area: 5 acres

7.4.2 Minimum Lot Width: 400 ft.

7.4.3 Minimum Yards:

front: 100 ft.

side: 50 ft.

rear: 50 ft.

ARTICLE 8

Supplemental Regulations

8.1 Access to Structures

- 8.1.1 Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access by a private street approved by the Columbia County Planning Commission in accord with the Columbia County Subdivision and Land Development Ordinance. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 8.1.2 Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

8.2 Accessory Uses and Structures

Accessory structures shall comply with all requirements for the principal structure except where specifically modified by this Ordinance and shall comply with the following limitations:

- 8.2.1 Fences, walls or plantings may be constructed in required yards provided that:
- 8.2.1.1 The vision of motor vehicle operators is not impeded at intersecting streets or driveways (See Intersection Visibility provisions found in this Article).
 - 8.2.1.2 A minimum yard of two (2) ft. shall be maintained from street right-of-way lines.
 - 8.2.1.3 The written consent of the adjacent property owners shall be provided to the zoning officer for property line fences for a residential use.
 - 8.2.1.4 The maximum height for residential fences shall be four (4) ft. if located in front yards and eight (8) ft. if located in side or rear yards.
 - 8.2.1.5 If applicable, compliance with the borough floodplain regulations shall be maintained.

- 8.2.1.6 A zoning permit is not required for a fence designated for agricultural purposes.
- 8.2.2 A detached garage, greenhouse, storage or utility building or other accessory structure may be maintained accessory to a dwelling or other use. It shall not exceed a building height of 20 feet and shall not be located in front of the principal building. Accessory structures shall be separated a minimum of ten (10) feet from any structure. A single storage building of dimension 12 x 12 ft. or smaller shall be exempt from the zoning permit requirement and shall comply with all required setbacks.
- Accessory structures such as swing sets, play gyms, playhouses, doghouses, and dog runs shall comply with the above standards and shall be exempt from the zoning permit requirement provided that they do not occupy more than 144 sq. ft. of area.
- 8.2.3 Outdoor swimming pools which are designed to contain a water depth of twenty-four (24) inches or more shall be provided with fenced enclosures and shall be located only to the rear or side of the principal building.
- 8.2.3.1 Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall be considered swimming pools if they are located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
- 8.2.3.2 An outdoor swimming pool, the top edge of which is less than 3½ feet above grade, shall be completely enclosed by an approved fence or fence and pool combination not less than 4 feet in height. The fence shall be so constructed as not to allow a 5 inch diameter sphere to pass through the fence. A principal or accessory building may be used as part of such enclosure.
- 8.2.3.3 All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any building which forms a part of the enclosure is not required to be so equipped. The Zoning Officer may permit other protective

devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded herein.

- 8.2.4 Sidewalks and driveways shall be permitted within front, rear, and side yards.

8.3 Conversion Of Buildings

The conversion of any non-residential building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households, shall be permitted only within a district in which a new building for a similar occupancy would be permitted under this Ordinance. The resulting dwelling(s) shall comply with all requirements governing new construction in such district.

8.4 Design Guidelines for Driveways and Access Drives To Streets

- 8.4.1 The general layout for access drives shall be such that there will be no need for motorists to back over or into the public street right-of-way. Single-family residential uses shall be exempt from this requirement.
- 8.4.2 Access drives shall be constructed of durable, all-weather material and shall not be less than 20 feet nor exceed 35 feet in width, except as may be increased by curb radii. Driveways to single-family residential uses may be a minimum of 10 feet in width.
- 8.4.3 The number of access drives shall not exceed two (2) per lot on any one (1) street frontage. Lots with less than 100 feet of street frontage shall be limited to one driveway.
- 8.4.4 Access drives shall not cross the street right-of-way line within 40 feet of the street right-of-way of an intersecting street and in no case less than ten (10) feet from the end of the curb or pavement radius when streets are so joined.
- 8.4.5 Access drives shall not cross the street right-of-way line within ten (10) feet of a fire hydrant, catch basin, or drain inlet.
- 8.4.6 Access to public streets shall be controlled in the interest of public safety. Off-street parking, loading and service areas on all properties shall

be physically separated from the street by a curb, pipe rail, or fence and/or planting strip or buffer yard.

8.4.7 If applicable, compliance shall be required with permit requirements of PennDOT (Highway Occupancy Permit) and the driveway/access drive guidelines in the Columbia County Subdivision and Land Development Ordinance.

8.4.8 The Borough may require the construction of drainage facilities for new driveway/access drive intersections with Borough streets.

8.4.9 The minimum sight distance standard for a new driveway, measured ten feet back from the cartway edge of any Borough street, shall be 200 feet. For the purpose of this requirement sight distance shall be defined as a line of sight free of significant obstructions or plantings higher than thirty (30) inches above the road surface or tree limbs lower than eight (8) feet.

8.5 Exceptions To Height Regulations

The height limitations of this Ordinance shall not apply to church spires, farm structures when permitted by other provisions of this Ordinance (i.e. silos, grain bins, elevator legs etc.), belfries, cupolas, mechanical penthouses, and domes not used for human occupancy, solar energy systems, nor to chimneys, ventilators, skylights, water tanks, utility poles, standards and necessary mechanical appurtenances usually carried above roof level.

8.6 Family Based Group Home

8.6.1 The Family Based Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g. counseling services), and other similar non-residential activities shall be excluded from this use.

8.6.2 The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.

8.6.3 The Family Based Group Home zoning approval shall not be transferrable from the original applicant to a new operator.

8.6.4 The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

8.6.5 Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant care givers, and visitors.

8.7 Home Occupations (including Family Day Care Home)

In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met and a permit is issued by the Zoning Officer.

8.7.1 The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate in accord with the Sign Regulations found in this article.

8.7.2 Home Occupations shall be limited to the employment of not more than one (1) assistant outside of the immediate family at any one time.

8.7.3 The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five (25%) percent of the area of the first floor of the dwelling, nor more than five-hundred (500) square feet. The floor area standards shall not apply to family day care homes. As a conditional use a home occupation may be considered in a detached structure, provided that all other criteria specified in this section are met.

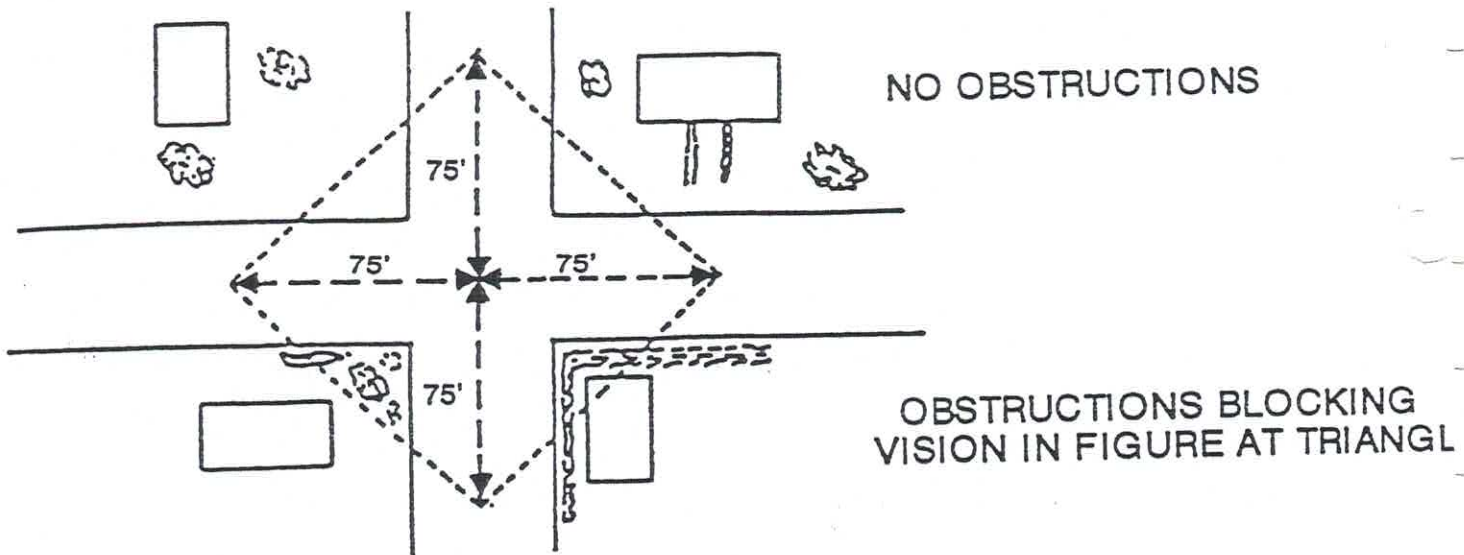
8.7.4 All parking shall be off-street. Two (2) off-street spaces shall be provided in addition to that required of the residential use.

8.7.5 Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

8.8 Intersection Visibility

Intersection clear sight triangles of the dimensions noted in the following table shall be maintained at intersections of all public and private streets. No significant obstructions or plantings higher than thirty (30) inches above the road surface or tree limbs lower than eight (8) feet shall be permitted within this area.

Highest Classification of Road at Intersection	Arterial	Collector	Local or Private
Intersection Clear Sight Triangle - Each Centerline Leg	150'	75'	75'



EXAMPLE OF VISIBILITY AT INTERSECTION OF TWO STREETS

8.9 Junk Stored as an Accessory Use

The outdoor storage of junk on a lot, or part thereof which is an accessory use to a principal use or structure shall be governed by the following provisions:

- 8.9.1 All junk material shall be screened from view by solid screening, fences, or walls at least 6 feet

high. If fencing is utilized compliance shall be maintained with the fencing provisions specified under Accessory Uses and Structures in this article.

- 8.9.2 No junk material shall be stored or placed within ten (10) feet of any adjoining property or within fifty (50) of any public right-of-way and such setback area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- 8.9.3 All junk material shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and no junk shall be piled to a height of more than eight (8) feet.
- 8.9.4 No oil, grease, tires, gasoline or other similar materials shall be burned at any time, and all other burning shall be in accordance with applicable State and local regulations.
- 8.9.5 All junk material shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, not to cause the breeding or harboring of rats, flies, or other vectors.
- 8.9.6 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal natural causes or forces, nor shall any substance which can contaminate a stream be allowed to enter any stream or watercourse.
- 8.9.7 **Exceptions to Screening Requirement**

The following are exempt from the screening requirements noted above:

- 8.9.7.1 The diligent repair of a junk vehicle within a period not to exceed one (1) year; provided, however, that such vehicle is owned by the resident of the dwelling unit at which it is parked; or
- 8.9.7.2 The placement of a junk vehicle at a service station, contractor's yard, or vehicle sales lot for a period not to exceed one (1) year; or

- 8.9.7.3 The placement or storage of junk farm machinery which is part of the inventory of a bona-fide farm operation.

8.10 Noise Control

Noise control shall be governed under the Stillwater Borough Noise Control Ordinance, if applicable.

8.11 Nonconforming Lots, Structures, Buildings, and Uses

8.11.1 Non-conforming Lots of Record

A non-conforming lot may be used for a permitted use in the district in which it is located even though such a lot fails to meet the requirements for lot area or dimensions or both. However, all other applicable requirements including minimum yards shall apply. The variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. In the event that two (2) adjacent lots of record are held in single ownership, the lots shall be combined to be reapportioned into a conforming lot or lots.

8.11.2 Non-conforming Structures or Buildings

8.11.2.1 Any alteration, conversion, improvement, or enlargement of a non-conforming structure shall conform to the applicable requirements of this Ordinance, excepting that a structure non-conforming as to yard or height requirements may be extended where the extension does not project further into the yard or does not extend further in height than the existing structure.

8.11.2.2 Should a non-conforming structure or building be destroyed by any means, it shall not be reconstructed in a manner which increases its non-conformity. If reconstruction has not commenced within one (1) year of the date of destruction, the destroyed non-conforming structure shall be reconstructed in full compliance with this Ordinance and any other applicable regulations. A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to reconstruct prior to the expiration of the initial one year period (see Appendix B for sample request).

If the work approved by issuance of any Zoning Permit has not been completed within two (2) years from the date of issuance, said permit shall expire.

- 8.11.2.3 Should a non-conforming structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is to be located.

8.11.3 Non-conforming Use of Premises

- 8.11.3.1 A new extension may be constructed to a structure housing a non-conforming use provided that the gross floor area of the extension shall not exceed fifty percent (50%) of the gross floor area of the existing structure as of the effective date of this ordinance and that other applicable requirements of this Ordinance shall be adhered to.
- 8.11.3.2 The area occupied by a nonconforming use situated outdoors may be expanded provided that the gross area of the expansion shall not exceed fifty percent (50%) of the gross area of the existing use as of the effective date of this ordinance and that other applicable requirements of this Ordinance shall be adhered to.
- 8.11.3.3 Any non-conforming use may be changed to another non-conforming use by Conditional Use (see Article 10) provided that the Borough Council shall find the proposed use to be equally appropriate or more appropriate to the Zoning District in which it is located.
- 8.11.3.4 A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.
- 8.11.3.5 The removal or destruction of a structure housing a non-conforming use shall eliminate the non-conforming use status of the premises unless reconstruction shall have been initiated within one (1) year of the removal or destruction. Destruction for the purpose of this subsection is defined as damage to an extent of more than ninety (90%) of the replacement cost at the time of destruction.

A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to reconstruct prior to the expiration of the initial one year period (see Appendix B for sample request). If the work approved by issuance of any Zoning Permit has not been completed within three (3) years from the date of issuance, said permit shall expire.

8.11.3.6 If a non-conforming use is abandoned or discontinued for a period of one (1) year, further use of the land or structure shall conform in all respects to this Chapter. A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to resume the use prior to the expiration of the initial one year period (see Appendix B for sample request).

8.11.4 Registration of Non-conforming Uses, Structures, and Lots

To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to develop and maintain an accurate listing of all non-conforming uses, structures, and lots identified during the performance of his duties as zoning officer. The listing shall identify the nonconforming aspect of the property.

8.12 Off-Street Parking and Loading

8.12.1 Number of Off-Street Parking Spaces Required

In all districts, the required number of off-street parking spaces shall be provided as set forth in the following table whenever any use or building is erected or enlarged.

REGULATIONS FOR OFF-STREET PARKING SPACES

TYPE OF USE	MIN. PARKING SPACES REQUIRED
1. Offices, Post Office, Retail or Agr., Service, or Repair Business, Indoor Recreation Facility, Day Care Center	1 space per employee plus 1 space for every 150.0 sq. ft. of gross floor area
2. Restaurants	1 space per employee plus 1 for every 2.5 seats
3. Professional Office or Animal Hospital	1 space per employee plus 1 space for every 150 sq. ft. of gross floor area
4. Hotel, Motel or Conference Center	1 space per guest room plus 1 per every two employees
6. Churches, Theaters, Auditoriums and Places of Assembly	1 for every 3 persons based on maximum building occupancy
7. School or College	1 space for every 5 auditorium seats or 10 classroom seats, whichever is greater
8. Elementary School	1 space for every 15 classroom seats
9. Outdoor Recreation Use or Facility	1 space for every 3 users
10. Bowling Alley	4 spaces for each lane
11. Hospital, Nursing Home or Retirement Village	1 space for every 2 beds plus 1 space per employee on the largest shift
12. Residential Dwellings including Seasonal Residence	2 spaces per dwelling unit
13. Funeral Home	1 space per 4 seats or one space per each four persons at capacity
14. Bed & Breakfast Inn, Dormitories, Family Based Group Home	2 spaces, plus 1 for every two beds
15. Manufacturing Plant, Wholesale, Distribution, or Printing Business	1 space per 2 employees
16. Home Occupation	2 spaces, plus 2 spaces per dwelling unit

8.12.2 Accessible Parking Requirements

The parking lot design for any uses not excepted from the Pennsylvania Universal Accessibility Standards administered by the Pennsylvania Department of Labor and Industry shall provide accessible parking spaces in accordance with the Standards and with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Such applicants are urged to contact the PA Department of Labor and Industry or design professionals familiar with the Standards and the Americans with Disabilities Act.

8.12.2.1 Exceptions

Under the Pennsylvania Universal Accessibility Standards single family dwellings, townhouse, and multifamily dwellings which are exclusively residential and which house six or fewer families are excluded. Other exemptions may apply under the Standards.

8.12.3 Off-Street Loading and Unloading Space Required

At the time any commercial or industrial establishment, hospital or school, or other similar building or use is erected or enlarged, sufficient adequate off-street loading and unloading area shall be provided to adequately serve the movement of goods and material in and out of any such particular use in such a manner that any vehicle involved in a transfer operation will not occupy any public right-of-way, pedestrian or vehicular circulation area, or any required off-street parking area.

8.12.4 Development and Maintenance of Parking Facilities

Whenever off-street parking is required, the parking area, turning aisle and space shall be designed, constructed and maintained in accordance with the following minimum standards.

- 8.12.4.1 Parking facilities shall be located on the same lot as the use to which they are necessary unless alternate arrangements have been made to provide parking on an adjacent lot owned by the applicant, or that shared parking facilities are provided in accord with Section 8.12.4.10;

- 8.12.4.2 All parking spaces other than those serving single family residential uses shall have access from an aisle in the parking area and shall be clearly marked for ease of movement and efficient use of space. Care shall be required in the location of access drives to the parking lot to insure that intersection visibility and safety is maintained. See Design Guidelines for Driveways and Access Drives To Streets in Article 8 for provisions which address this concern;
- 8.12.4.3 Parking areas shall be a minimum of ten (10) feet from a dwelling and five (5) feet from a public or private street right-of-way;
- 8.12.4.4 The parking area shall be constructed of a stabilized base with a suitable all weather surface. Special consideration should be given to utilizing the parking area as a component of the stormwater management facilities;
- 8.12.4.5 Individual parking spaces shall contain no less than 180 square feet of usable area and shall have a minimum width of nine (9) feet;
- 8.12.4.6 Where parking areas for five (5) or more vehicles are adjacent to residential development, a solid screen of attractive fencing or evergreen vegetation shall be provided between the parking and the residential lots with a minimum height of four (4) feet.
- 8.12.4.7 In all cases where curb and gutter or sidewalks are existing or are adjacent to the proposed parking area, these facilities shall be retained or extended;
- 8.12.4.8 Parking areas shall be illuminated as is necessary to protect the public safety; in all cases such illumination shall be designed to prevent glare or excessive brightness which may become a nuisance for traffic on adjacent roadways or to adjacent residential uses;
- 8.12.4.9 All parking areas shall be graded for proper drainage. All off-street parking areas larger than one-quarter ($\frac{1}{4}$) acre in size shall be designed to incorporate stormwater management. The stormwater management plans shall be

reviewed by the Columbia County Planning Commission and/or the Columbia County Conservation District in accord with Section 407 of the Columbia County Subdivision and Land Development Ordinance, as amended (see Appendix C), prior to the issuance of a zoning permit; and

8.12.4.10 In accord with variance procedures the Zoning Hearing Board may require fewer total spaces under the following conditions:

8.12.4.10.1 The peak usage hours of different uses vary to the extent that each use may share the same parking facilities while still providing adequate parking for each use; or

8.12.4.10.2 The clientele of a given use could reasonably be expected to be pedestrians, or utilize shared-rides or public transit.

8.12.4.10.3 Should the Zoning Hearing Board and developer agree to reduced parking requirements, the Zoning Hearing Board may require a written agreement which reserves sufficient open space to provide additional parking and turning area in the event of unanticipated growth or a miscalculation.

8.12.4.10.4 Further, the Zoning Hearing Board may require the reservation of open space for additional parking which may be necessary in excess of the guidelines in the schedule of required spaces above.

8.13 Projections Into Required Yards

The following projections shall be permitted into required minimum yards and shall not be considered in the determination of minimum yards or lot coverage:

- 8.13.1 Projecting architectural features - bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features, provided they do not extend more than three (3) feet into any required minimum yard nor closer than five (5) feet to any adjacent property line.
- 8.13.2 Uncovered stairs.
- 8.13.3 Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required minimum yard nor closer than five (5) feet to any adjacent property line.

8.14 Screening and Landscaping

- 8.14.1 **Visual Screening Of Storage And Equipment for Commercial, Industrial, or Utility Uses**
 - 8.14.1.1 Storage, where permitted in the open, shall be completely screened from any public right-of-way or residential district.
 - 8.14.1.2 Mechanical operations, equipment and other functional accessories such as power, heating, air conditioning, elevator, water, sewage and other physical plant shall be screened or built-in as an integral part of the building design.
- 8.14.2 **Landscaping for Commercial, Industrial, or Utility Uses**

Paving and non-built areas of each site shall be fully landscaped according to a plan which shall integrate the land use, traffic movement and parking, natural features and surroundings.
- 8.14.3 **Residential or Village And Non-residential Joint Boundary Requirements**
 - 8.14.3.1 Screen plantings, walls, berms or fences shall be provided in a non-residential district adjacent to a residential or village district, unless separated by a public right-of-way.

- 8.14.3.2 An additional landscaped buffer strip of not less than fifty feet (50') shall be provided in the form of increased residential lot width within a residential or village district, where adjacent to an existing non-residential activity.

8.15 Signs

8.15.1 Sign Policies

- 8.15.1.1 It is the policy of the Borough of Stillwater to regulate the display of signs in order to protect the character of the Borough, to encourage the sound development of the land, and to protect the public welfare.
- 8.15.1.2 It is the purpose of these provisions to place such limitations on the display of signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification, protection, or advertisement.
- 8.15.1.3 The regulations of this Ordinance relating to signs shall be strictly construed, and signs not specifically permitted by the provision of this Ordinance shall be deemed to be prohibited. Signs shall only be erected and maintained when in compliance with the provisions contained herein.

8.15.2 Maximum Sign Area

A lot upon which a building(s) is situated regardless of the number of occupants therein shall be entitled to a maximum sign area of 1½ feet for each lineal foot of building face parallel or substantially parallel to a street line. See Article 2 for definition of Sign, Area of.

- 8.15.2.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.
- 8.15.2.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft..
- 8.15.2.3 There shall be no limit on the total number or types of signs provided that the maximum sign

area for the building shall not be exceeded and that the standards for the types of signs found in Section 8.15.3. below shall be met. Furthermore, compliance with the standards of Section 8.15.4, 5 and 6 shall be required.

8.15.3 Sign Types - NOTE: No permit required if designated - *

8.15.3.1 *Address Sign - one sign displaying the street number or name of the occupant of the premises, or both.

8.15.3.1.1 Such sign may include identification of a Professional Office or Home Occupation (as defined in Article 2 of this Ordinance).

8.15.3.1.2 Such sign may be attached to the building or may be on a rod or post not more than six (6) feet high, and at least three (3) feet in from the street right-of-way line.

8.15.3.1.3 Such sign may not exceed two (2) square feet in area.

8.15.3.1.4 Sign must be stationary and not contain any motorized moving parts.

8.15.3.2 Awning Sign - a sign painted on or attached to a moveable metallic frame, of the hinged roll or folding type, which may have a covering either combustible or incombustible.

8.15.3.2.1 Such sign must be painted on or attached flat against the surface of, but not extending beyond or attached to the underside.

8.15.3.2.2 Letters shall not exceed ten (10) inches in height.

8.15.3.2.3 There shall be a minimum clearance of 7 feet from the sidewalk to the lowest part of the framework or fixed portion of an awning except that the bottom of the valance of canvas shall always have a minimum clearance of 6 ft. 9 inches above the sidewalk.

8.15.3.3 **Business Directory Sign** - is a sign stating the name(s) of a business located off premises.

8.15.3.3.1 The maximum sign area regardless of the number of business listed on the sign shall be sixteen (16) square feet.

8.15.3.3.2 Such signs are not included in computing the total sign area allowed for the property on which the business directory sign is located.

8.15.3.3.3 Such signs shall not be located upon a street right-of-way.

8.15.3.4 ***Community Directory Sign** - an accessory bulletin or announcement board describing the location of an event of a community service organization, institution, or public facility.

8.15.3.4.1 Such sign shall not exceed sixteen (16) square feet in total area.

8.15.3.4.2 One such sign for each property street frontage is allowed.

8.15.3.4.3 Such sign shall not be located upon a street right-of-way.

8.15.3.5 ***Contractor Sign** - is an off premise sign identifying the contractor's name, address, and other pertinent information.

8.15.3.5.1 Such sign may not exceed twelve (12) square feet.

8.15.3.5.2 Such sign may be maintained on the lot, building or structure only for the interim of construction and not exceeding fifteen (15) days following the completion of said construction.

8.15.3.5.3 Failure to remove said sign within time period stated shall authorize the zoning officer to remove the sign at the expense of the sign owner.

- 8.15.3.5.4 Such signs shall not be located upon a street right-of-way.
- 8.15.3.6 **"For Sale" or "For Rent" Signs** - A sign advertising a property being sold or rented.
- 8.15.3.6.1 Such signs shall not exceed six (6) square feet.
- 8.15.3.6.2 A maximum of two (2) such signs may be maintained for the property being sold or rented.
- 8.15.3.7 **Free Standing Sign in the Commercial District** - is a self-supporting sign in a fixed location and not attached to any building or structure.
- 8.15.3.7.1 Such sign shall have no more than two (2) faces.
- 8.15.3.7.2 The area of each face shall not exceed thirty (30) square feet unless there are three (3) or more uses on the lot, then the area of each face shall not exceed fifty (50) square feet.
- 8.15.3.7.3 The top of such sign may not exceed a height of twenty (20) feet above grade.
- 8.15.3.7.4 A lot with a frontage of three hundred (300) feet or more may have two (2) such signs.
- 8.15.3.7.5 Such signs shall be erected so as to not obstruct free egress to or from any building, or street right-of-way. Such signs shall not be located upon a street right-of-way.
- 8.15.3.7.6 There must be no exposed connecting wires.
- 8.15.3.8 **Free Standing Sign - VC/AFP/WC Districts** - is a self-supporting sign in a fixed location and not attached to any building or structure.
- 8.15.3.8.1 Such sign shall have no more than two (2) faces.

- 8.15.3.8.2 The area of each sign face shall not exceed nine (9) square feet.
- 8.15.3.8.3 The top of such sign may not exceed nine (9) feet above grade.
- 8.15.3.8.4 Such signs shall be erected so as not to obstruct free egress to or from any building, or street right-of-way. Such signs shall not be located upon a street right-of-way.
- 8.15.3.8.5 There must be no exposed connecting wires.
- 8.15.3.9 **Individual Letters or Symbols** - which are attached to an awning, marquee, a roof, building surface, wall, or signboard.
- 8.15.3.9.1 The area to be computed is that of the smallest rectangle or other geometric shape which encompasses all of the letter or symbols.
- 8.15.3.9.2 These letters or symbols shall not project more than nine (9) inches from the building surface.
- 8.15.3.9.3 Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.
- 8.15.3.10 ***Political Signs** - a sign designed to influence the action of votes for: 1. the passage or defeat of a measure; or 2. the election of a candidate for nomination or election to public office at a national, state, or other local election
- 8.15.3.10.1 Such signs are permitted in any land use district if it is stationary, unlighted, temporary, and is not:
- (1) Erected earlier than thirty (30) days prior to a primary or election;
 - (2) Maintained for more than ten (10) days following the primary or election;

- (3) Attached to a utility pole, fence, tree or other vegetation;
 - (4) Erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic; and
 - (5) Attached to any structure (except that such sign may be displayed in a window).
- 8.15.3.10.2 Such sign may not exceed four (4) square feet in area.
- 8.15.3.10.3 A maximum of two (2) signs per lot is allowed.
- 8.15.3.11 **Projecting Sign** - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure.
- 8.15.3.11.1 If flat, each face shall not exceed nine (9) square feet.
- 8.15.3.11.2 The total area of a three-dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape (rectangle, triangle, parallelogram, circle, etc.) and computing its area which shall not exceed nine (9) square feet.
- 8.15.3.11.3 Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.
- 8.15.3.11.4 The bottom of said sign shall have eight (8) feet of clearance for pedestrians from the sidewalk level.
- 8.15.3.11.5 The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the zoning officer:

- (1) Suspended between the bottom of sills of the first level of windows of the first story; or
- (2) The lowest point of the roof of one story building.

8.15.3.12 ***Public Service Sign** - is a sign located for the purpose of providing a public service message or directions towards or indication of a use not readily visible from a public street (e.g. rest rooms, telephone, parking, shopping district, etc.).

8.15.3.12.1 Such signs that are necessary for public safety and convenience shall not exceed four (4) square feet.

8.15.3.12.2 Such signs may bear no commercial advertising. Civic organization sponsored public service signs shall not be considered commercial advertising.

8.15.3.12.3 Such signs are not included in computing total sign area allowed.

8.15.3.13 ***Temporary Sign** - is a sign intended to be used for a period of no more than thirty (30) days.

8.15.3.13.1 Temporary signs pertaining to special sales or events may be displayed outdoors or in the window area.

8.15.3.13.2 No temporary banner signs may overhang a street right-of-way.

8.15.3.13.3 A maximum of one sidewalk advertising sign per business shall be allowed when such signs are intended to advertize specials or sales occurring on the same day as their placement provided that:

- (1) Such signs shall not impede pedestrian traffic or obstruct the vision of motorists.
- (2) Such signs shall be removed daily.

- (3) Such signs shall have a maximum sign face of six (6) sq. ft. in area if one sided or three (3) sq. ft. per face if two sided.

8.15.3.14 **Wall Sign** - is a sign which is attached parallel on the exterior surface of a building or structure.

8.15.3.14.1 A wall sign shall not project more than fifteen (15) inches from the building surface.

8.15.3.14.2 Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

8.15.3.15 ***Window Sign** - is a permanent non-illuminated sign painted on the inside or outside glass of a window.

8.15.3.15.1 The total area of a window sign shall not exceed 30% of the total glass area of the ground floor facade of that commercial property.

8.15.3.15.2 Contents of such sign shall advertise only an on-premise use.

8.15.3.15.3 Window signs on ground floor levels shall be included in calculating the total area of signs on the building frontage.

8.15.4 Table of Allowed Sign Uses By Zoning Districts

SIGN TYPE	ZONING DISTRICT			
	VC	C	AFP	WC
Address	Y	Y	Y	Y
Awning	Y	Y	Y	Y
Business Directory Sign	N	Y	N	N
Community Directory Sign	Y	Y	Y	Y
Contractor Sign	Y	Y	Y	Y
For Sale/For Rent Sign	Y	Y	Y	Y
Free Standing Sign (C District)	N	Y	N	N
Free Standing Sign (VC/AFP/WC Dist.)	Y	N	Y	Y
Individual Letters or Symbols	N	Y	N	N
Political Signs	Y	Y	Y	Y
Projecting Sign	Y	Y	N	N
Public Service Sign	Y	Y	Y	Y
Temporary Sign	Y	Y	Y	Y
Wall Sign	Y	Y	N	N
Window Sign	Y	Y	Y	Y

Y - YES

N - NO

8.15.5 Regulations Applicable In All Zoning Districts

8.15.5.1 Sign Application And Permit

A sign permit shall be obtained from the Zoning Officer before any sign is erected, displayed or structurally altered so as to change its overall dimension. Every application for a sign permit shall be accompanied by payment of a permit fee required in accordance with a schedule of fees adopted by the Borough Council and by plans showing: The area of the sign, the size, structure, character and design proposed; the method of illumination, if any, and the exact location proposed for the sign. In the case of a roof sign or outdoor advertising structure, complete specifications and method of anchoring and support are required. Each sign shall have the permit number and date of issuance affixed.

8.15.5.2 Illumination Of Signs - a sign may be illuminated artificially by means of electricity, gas, oil, or fluorescent paint.

8.15.5.2.1 All electricity illuminated signs shall conform to the requirements of the BOCA National Building Code/1990 as amended.

8.15.5.2.2 Any illumination must be installed in a manner which will prevent direct light from shining onto any street or adjacent property.

8.15.5.2.3 No form of illumination that is flashing, moving, animated or intermittent shall be allowed.

8.15.5.2.4 There must be no exposed connecting wires.

8.15.5.3 **Minimum Yard Requirements** - unless otherwise specified in the Code, signs are exempt from minimum yard requirements.

8.15.5.4 **Liability** - Any organization or individual erecting a sign in or over a public right-of-way shall agree to assume liability for an

indemnify and hold harmless the Borough from any and all damages resulting from the existence of this sign.

8.15.6 Prohibited Signs

Prohibited Signs shall include:

- 8.15.6.1 Any sign which flashes, rotates, or has a motorized part that is visible from a public street.
- 8.15.6.2 Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Zoning Officer by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
- 8.15.6.3 Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with proper function of the building.
- 8.15.6.4 Any sign or sign structure which:
 - (1) Is structurally unsafe;
 - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - (3) Is not kept in good repair, or;
 - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- 8.15.6.5 Signs which make use of words such as STOP, LOOK, DANGER, etc., or any phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- 8.15.6.6 String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.

- 8.15.6.7 Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold. To be removed at owner's expense.
- 8.15.6.8 Any sign affixed to a fence, utility pole or structure, or tree, shrub, rock or other natural objects.
- 8.15.6.9 Off premise signs except a Business Directory Sign in the C District.
- 8.15.6.10 Portable signs other than sidewalk advertising signs. (See Section 8.15.3.13.3.).

8.15.7 Variance

An application for variance may be filed with the Zoning Hearing Board as allowed in Article 10 of this Ordinance.

8.15.8 Maintenance

Each sign shall be maintained in a secure and safe condition. If the Zoning Officer is of the opinion that a sign is not secure, safe or in good state of repair, it shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Zoning Officer, the Zoning Officer may revoke the permit to maintain the sign and arrange to remove the sign and keep possession of same until the owner pays the cost of removal.

8.16 Smoke Detection Requirement

New dwellings and additions to dwellings shall be provided with approved operating smoke or fire detection devices. Applicants for zoning permits must certify that a minimum of one (1) such device per floor will be installed prior to occupancy of the dwelling or new portion thereof.

8.17 Unique Lots and Building Locations

8.17.1 Two or More Buildings On A Lot

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

8.17.2 Side Yard of a Corner Lot

The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

8.18 Yard and Garage Sales

For the purposes of this ordinance, yard and garage sales shall be considered as an accessory use to a residential dwelling and shall not require a zoning permit, provided that:

- 8.18.1 No more than 4 yard sales shall be conducted per year by a resident from the same lot; and
- 8.18.2 The duration of one yard sale shall not exceed 3 consecutive days.
- 8.17.3 A sign advertizing a yard or garage sale shall be considered a Temporary Sign (see Section 8.15.3.13).

Should a resident desire to conduct yard sales in excess of the frequency or duration stated above, a Conditional Use for a Home Occupation shall be required using the Home Occupation regulations of this article as the criteria for the granting of the Conditional Use.