

# **ZONING ORDINANCE**



## **BOROUGH OF WELLSBORO**

**Ordinance No. 688  
Enacted June 4, 2018**

The EADS Group

June 5, 2018

## Table of Contents

Article	Title	Page
	<b>PREAMBLE</b>	<b>vii</b>
<b>1</b>	<b>Definitions</b>	<b>1</b>
	1.1 General Interpretation	1
	1.2 Rules of Interpretation	1
	1.3 Terms Defined	1
<b>2</b>	<b>Rural Residential District</b>	<b>27</b>
	2.1 Purpose of the Rural Residential District	27
	2.2 Use Regulations for the Rural Residential District	27
	2.2.1 Permitted Uses	27
	2.2.2 Special Exception (Reserved)	27
	2.2.3 Conditional Uses	27
	2.3 Height and Coverage Requirements, Maximum Ratio of Lot Depth to Width	28
	2.4 Minimum Areas and Dimensions	28
<b>3</b>	<b>Residential Town District</b>	<b>30</b>
	3.1 Purpose of the Residential Town District	30
	3.2 Use Regulations for the Residential Town District	30
	3.2.1 Permitted Uses	30
	3.2.2 Special Exception (Reserved)	30
	3.2.3 Conditional Uses	30
	3.3 Height and Coverage Requirements	31
	3.4 Density, Area and Dimension Standards	31
	3.5 Design Criteria for New and Expanded Structures	33
<b>4</b>	<b>Historic Residential District</b>	<b>34</b>
	4.1 Purpose of the Historic Residential District	34
	4.2 Use Regulations for the Historic Residential District	34
	4.2.1 Permitted Uses	34
	4.2.2 Special Exception (Reserved)	34
	4.2.3 Conditional Uses	34
	4.3 Height and Coverage Requirements	35
	4.4 Density, Area and Dimension Standards	35
	4.5 Design Criteria for New and Expanded Structures	36

<b>Article</b>	<b>Title</b>	<b>Page</b>
<b>5</b>	<b>Central Business District</b>	<b>37</b>
	5.1 Purpose of the Central Business District	37
	5.2 Use Regulations for the Central Business District	37
	5.2.1 Permitted Uses	37
	5.2.2 Special Exception (Reserved)	37
	5.2.3 Conditional Uses	37
	5.3 Height and Coverage Requirements	38
	5.4 Density, Area and Dimension Standards	38
<b>6</b>	<b>Hospital District</b>	<b>39</b>
	6.1 Purpose of the Hospital District	39
	6.2 Use Regulations for the Hospital District	39
	6.2.1 Permitted Uses	39
	6.2.2 Special Exception (Reserved)	39
	6.2.3 Conditional Uses (Reserved)	39
	6.3 Height and Coverage Requirements	39
	6.4 Density, Area and Dimension Standards	39
<b>7</b>	<b>Highway Commercial District</b>	<b>40</b>
	7.1 Purpose of the Highway Commercial District	40
	7.2 Use Regulations for the Highway Commercial District	40
	7.2.1 Permitted Uses	40
	7.2.2 Special Exception (Reserved)	41
	7.2.3 Conditional Uses	41
	7.3 Height and Coverage Requirements	41
	7.4 Minimum Areas and Dimensions	41
<b>8</b>	<b>Commercial Manufacturing District</b>	<b>43</b>
	8.1 Purpose of the Commercial Manufacturing District	43
	8.2 Use Regulations for the Commercial Manufacturing District	43
	8.2.1 Permitted Uses	43
	8.2.2 Special Exception (Reserved)	44
	8.2.3 Conditional Uses	44
	8.3 Height and Coverage Requirements	44
<b>9</b>	<b>Steep Slope Overlay District</b>	<b>45</b>
	9.1 Purposes of the Steep Slope Overlay District	45
	9.2 Identification and Establishment of the Steep Slope Overlay District	45
	9.3 General Provisions	46
	9.4 Permitted Uses and Development – Slopes between 15% and 25%	47
	9.5 Specifically Prohibited Uses and Development – Slopes between 15% and 25%	48

<b>Article</b>	<b>Title</b>	<b>Page</b>
<b>9</b>	<b>Steep Slope Overlay District (continued)</b>	
	9.6 Conditional Uses and Development – Slopes between 15% and 25%	48
	9.7 Permitted Uses and Development – Slopes over 25%	49
	9.8 Specifically Prohibited Uses and Development – Slopes over 25%	49
	9.9 Conditional Use Standards and Criteria	50
<b>10</b>	<b>Historic Overlay District</b>	<b>51</b>
	10.1 Purposes of the Historic Overlay District	51
	10.2 Permitted Use Exclusions	51
	10.3 Special Exception Use Exclusions (reserved)	52
	10.4 Conditional Use Exclusions	52
	10.5 Height and Coverage Requirements	52
	10.6 Minimum Areas and Dimensions	53
	10.7 Special Design Considerations	54
<b>11</b>	<b>Sign Regulations</b>	<b>55</b>
	11.1 Purposes of Sign Regulations	55
	11.2 Exempt Signs – No Permit Required	55
	11.3 Sign Descriptions/Definitions	56
	11.4 Signs and Zoning District Interface	58
	11.5 Regulated Signs – Zoning (Sign) Permit Required	60
	11.6 Sign Application and Permit	62
	11.7 Illumination of Signs	62
	11.8 Setback Requirements	63
	11.9 Supports and Brackets	63
	11.10 Prohibited Signs	63
	11.11 Variance	64
	11.12 Maintenance	64
<b>12</b>	<b>Floodplain Management Provisions</b>	<b>65</b>
	12.1 Identification of Floodplain	65
	12.2 Description of Floodplain Area	65
	12.3 Changes in Identification of Area	66
	12.4 Boundary Disputes	66
	12.5 Jurisdictional Boundary Changes	67
	12.6 Coordination with Other Ordinances and Regulations.	67
<b>13</b>	<b>Supplemental Lot Regulations</b>	<b>68</b>
	13.1 Access to Structures	68
	13.2 Conversion or Replacement of Buildings	68
	13.3 Accessory Uses and Structures	68
	13.4 Driveways and Access Drives to Street	72

<b>Article</b>	<b>Title</b>	<b>Page</b>
<b>13</b>	<b>Supplemental Lot Regulations (continued)</b>	
	13.5 Exceptions to Height Regulations	72
	13.6 Intersection Visibility	72
	13.7 Manufactured Home (Mobile Home) Placement	73
	13.8 Non-Conforming Lots, Structures, Buildings and Uses	73
	13.9 Off-Street Parking and Loading	76
	13.10 Projections into Required Yards	83
	13.11 Screening and Landscaping	84
	13.12 Unique Lots and Building Locations	85
	13.13 New Development Setbacks and Natural Gas Transmission Facilities	85
<b>14</b>	<b>Supplemental Use Criteria</b>	<b>86</b>
	14.1 General Special Exception or Conditional Use Criteria	86
	14.2 Adult Entertainment	87
	14.3 Animal Hospital	88
	14.4 Automotive Repair Facility, Sales Facility, Service Station, or Convenience Store/Market	88
	14.5 Bed and Breakfast Inn	89
	14.6 Communication Antennas, Communication Equipment Buildings, And Communications Towers	89
	14.7 Corrective or Penal Facility	92
	14.8 Day Care Center	94
	14.9 Family Based Group Home	95
	14.10 Funeral Home	95
	14.11 Group Care Facility	95
	14.12 Impact Home Based Business	96
	14.13 Home Occupations (including Family Day Care Home)	96
	14.14 Industrial Park and Industrial or Manufacturing Uses	97
	14.15 Junk Yard or Salvage Yard	97
	14.16 Surface Mining	98
	14.17 Uses Not Provided For	99
	14.18 Waste Storage or Processing Facility	99
	14.19 Oil or Gas Drilling and Oil or Gas Exploration	102
	14.20 Medical Marijuana Operations	107
	14.21 Natural Gas Compressor Stations	108
	14.22 Short-Term Rentals	109
	14.23 Restaurants, Food Trucks	110

<b>Article</b>	<b>Title</b>	<b>Page</b>
<b>15</b>	<b>Zoning Hearing Board Proceedings</b>	<b>111</b>
	15.1 Organization and Procedure	111
	15.2 Powers and Duties	111
	15.3 Hearing Procedures	114
<b>16</b>	<b>Amendments and Conditional Uses - Borough Council</b>	<b>119</b>
	16.1 Amendments to Zoning Ordinance and Map	119
	16.2 Conditional Uses	120
<b>17</b>	<b>Administration and Enforcement</b>	<b>124</b>
	17.1 Generally: Appointment of Zoning Officer	124
	17.2 Powers and Duties of the Zoning Officer	124
	17.3 General Procedure: Zoning Permit Required	126
	17.4 Zoning Permits and Certificates	126
	17.5 Application Requirements for Proposed Construction within the 100 Year Flood Boundary	130
	17.6 Violations	130
	17.7 Enforcement Notice	130
	17.8 Cause of Action	131
	17.9 Enforcement Remedies	131
	17.10 Filing Fees	132
	<b>APPENDIX – SCHEDULE OF USES</b>	<b>133</b>
	<b>Official Zoning Map</b>	<b>135</b>

**BOROUGH OF WELLSBORO**  
**TIOGA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 688**

**TITLE: Adoption of Revised Borough of Wellsboro Zoning Ordinance  
and Official Zoning Map**

**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, SEWERAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND FLOODPLAINS. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENTS OF INTENT OF THE VARIOUS REGULATIONS FOR THE RESPECTIVE DISTRICTS.

**WHEREAS,** the Borough of Wellsboro Planning Commission has done extensive work in the investigation and preparation of a revised Zoning Ordinance and Official Zoning Map for Wellsboro; and

**WHEREAS,** the Borough of Wellsboro has employed the consulting and planning expertise of The EADS Group, Inc., of Altoona, Pennsylvania, in this endeavor; and

**WHEREAS,** the Borough of Wellsboro Planning Commission conducted a public meeting on the proposed revised Zoning Ordinance and Official Zoning Map for Wellsboro on April 4, 2018, pursuant to public notice; and

**WHEREAS,** the Borough of Wellsboro Planning Commission did forward the proposed revised Zoning Ordinance and Official Zoning Map for Wellsboro to the Wellsboro Borough Council with its recommendation for the approval of the proposed revised Zoning Ordinance and Official Zoning Map for Wellsboro; and

**WHEREAS,** the Wellsboro Borough Council conducted a public hearing on the proposed revised Zoning Ordinance and Official Zoning Map for Wellsboro on June 4, 2018, pursuant to public notice; and

**WHEREAS,** at least forty-five (45) days prior to the Borough Council's public hearing, copies of the proposed revised Zoning Ordinance and Official Zoning Map for Wellsboro were forwarded to the Tioga County Planning Commission for their review and comment thereon; and

**WHEREAS**, the comments of the Tioga County Planning Commission, along with the comments of the public, were considered by the Borough Council of Wellsboro.

**NOW, THEREFORE**, be it **ENACTED** and **ORDAINED**, by the Borough Council of Wellsboro, Tioga County, Pennsylvania, that the attached Wellsboro Zoning Ordinance and Official Zoning Map is hereby adopted as the Wellsboro Zoning Ordinance and Official Zoning Map of Wellsboro, Tioga County, Pennsylvania, pursuant to the following provisions:

### **Section 1. Authority**

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

### **Section 2. Title**

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

### **Section 3. Purpose**

The provisions of this Ordinance have been designed to:

- 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, agricultural or industrial 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, and natural drainage.
- To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 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.
- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.



- Comply with federal and state floodplain management requirements.

## **Section 4. Statement of Community Development Objectives**

This Ordinance has been prepared to reflect the following Policy Goals of the Borough of Wellsboro with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for protecting land and natural resources and other relevant factors:

- 4.1 To encourage the maintenance and preservation of the Central Business District.
- 4.2 To encourage the preservation of historic structures, resources and neighborhoods.
- 4.3 To preserve and enhance the existing high quality residential character of the Borough.
- 4.4 To encourage the continuation of Wellsboro as a governmental, health, service and commercial center in Tioga County.
- 4.5 To allow for the logical expansion of residential and commercial areas consistent with the availability of suitable land, roadways and utility systems.
- 4.6 To maintain industrial areas and associated jobs.
- 4.7 To provide for a variety of housing types to meet the individual needs of all residents.
- 4.8 To protect unique lands within the Borough with development limitation due to floodplain, steep slope, poor access or soil conditions.
- 4.9 To implement relevant land use recommendations of the *WCDD Multi-Municipal Comprehensive Plan* applicable to the Borough of Wellsboro.

## **Section 5. Establishment of Controls**

### **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.

### **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.

### **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 Section 13.8.

### **5.4 Types of Controls**

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

- Use regulations, including Permitted, Special Exception (Reserved), and Conditional Uses;
- 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;
- Supplemental regulations for Accessory Structures; Driveways; Home Occupations; Nonconforming Lots, Structures, Buildings, and Uses; Off-street Parking and Loading; Projections Into Yards; Screening and Landscaping; Signs; and other unique conditions;
- Floodplain management provisions; and
- Criteria for the evaluation of Special Exception and Conditional Uses.

## **Section 6. Establishment of Zoning Districts**

For the purposes of the Zoning Ordinance, the Township of Lewis is hereby divided into the following zoning districts:

RR -	Rural Residential District
RT -	Residential Town District
HR -	Residential Historic District
CB -	Central Business District
H -	Hospital District
HC -	Highway Commercial District
CM -	Commercial Manufacturing District
SSOD -	Steep Slope Overlay District
HOD -	Historic Overlay District

## **Section 7. Zoning District Maps**

### **7.1 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 on file with the Borough Secretary. 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 within five (5) days after the amendment has been approved by the Borough Council.

### **7.2 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 with the Borough Secretary. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

### **7.3 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 and roadways and streams, the corporate boundary of the Borough or as identified on the Map.

### **7.4 Interpretation Of Boundaries**

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Zoning Officer shall determine the location of such boundary. Such determination may be appealed to the Zoning Hearing Board.

### **7.5 Relationship to Historic Architectural Review Board (HARB) District**

Regulated under Borough Ordinance No. 604, the Wellsboro HARB District has certain separate and distinct requirements in addition to those established by these Zoning regulations. The purpose of the HARB District is to establish an area in the Borough where the construction, alteration, reconstruction, repair, restoration or demolition of buildings, signs or structures shall be reviewed by an Historic Architectural Review Board and approved by the Borough Council prior to the securing of a building permit. The HARB District conforms to the HOD and is shown on the Zoning District Map. The HOD requirements subject portions of the underlying zoning districts [i.e. Central Business (CB), Hospital (H), Historic Residential (HR) and Highway Commercial (HC)] to certain use and dimensional requirements, beyond the scope of the HARB Ordinance, under the powers afforded to the Borough by the Pennsylvania Municipalities Planning Code.

## **Section 8. 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.

## **Section 9. Conflicts**

### **9.1 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.

### **9.2 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.

## **Section 10. Disclaimer of Liability**

- 10.1** This Ordinance shall not create liability on the part of the Borough of Wellsboro or any officer or employee thereof for any fire or flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- 10.2** With regard to the floodplain management provisions of this Ordinance, the degree of flood protection sought by these provisions is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
- 10.3** Access to a public system (i.e. water or sewerage systems), when stipulated by this ordinance, cannot be guaranteed by the Municipality. The conditions and terms of access shall be set by the receiving authority or utility company.

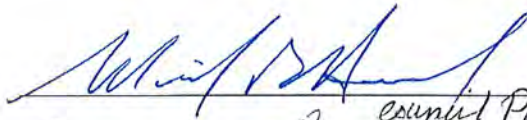
### Section 11. Amendment to Prior Ordinance

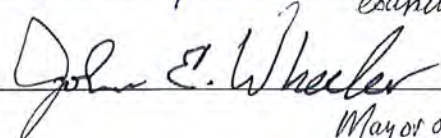
This Ordinance serves to amend under the terms of Section 609 of the Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, the prior Wellsboro Borough Zoning Ordinance, Ordinance No. 615 enacted and ordained by the Borough Council of Wellsboro, Tioga County, Pennsylvania, on June 14, 2004, and any subsequent amendments to that Ordinance.

### Section 12. Effective Date

This Ordinance shall be effective on June 5, 2018.

Adopted this 4<sup>th</sup> day of June, 2018

  
Michael J. Smith  
Council President

  
John E. Wheeler  
Mayor of Wellsboro

Attest:

  
Susan H. Beck  
Secretary/Treasurer

## ARTICLE 1

### Definitions

#### 1.1 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.

#### 1.2 Rules of Interpretation

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

**1.2.1** Words in the present tense include the future tense.

**1.2.2** Words in the singular case include the plural and words in the plural case include the singular.

**1.2.3** 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."

**1.2.4** 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.

#### 1.3 Terms Defined

**Abandonment:** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any evidence of transferring the rights to the property to another owner or of resuming the use of the property for a period of twelve (12) consecutive months.

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

**Adult Entertainment:** Adult book stores, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films, devices or other photographic or written reproductions depicting nudity or sexual conduct.

**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.

**Agricultural Operation:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. For the purpose of this ordinance, the word Agriculture shall not include "Kennels".

**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.

**Application:** An application, required to be filed and approved by the Borough of Wellsboro prior to start of construction or development

**Assisted Living Facility:** A form of residence that provides housing and limited care that is designed for senior citizens and/or persons with physical and/or mental challenges, who need some assistance with daily activities but do not require care in a nursing home, excluding a correction facility.

**Automotive Repair Facility:** A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. For the purpose of this ordinance Automobile Repair Facilities are classified as Retail Services.

**Automobile Sales Facility:** Any building or land area used for the display and sale of new or used automobile or other motor vehicles, including warranty repair or associated work. For the purpose of this ordinance Automobile Sales Facilities are classified as Retail Services.

**Automobile Service Station:** A building or structure where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. For the purpose of this ordinance Automobile Service Stations 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:** Any area of a building having its floor below ground level on all sides. 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 Wellsboro, Tioga County, Pennsylvania.

**Boarding or Rooming House:** A dwelling or part thereof where meals or lodgings are provided for compensation for at least three (3) but not more than fifteen (15) persons not transients. This use shall not include Family Based Group Home and Group Care Facility.

**Body Piercing:** The piercing of holes in parts of the body other than the ear in order to insert rings, studs, or other pieces of jewelry.

**Body Piercing Shop/Parlor:** A commercial establishment offering body piercing services for patrons either as a principal or ancillary service.

**Borough:** Wellsboro, Tioga County, Commonwealth of Pennsylvania

**Boulevards:** Portions of Main Street and Central Avenue where the grassy median strips and gas lights are located.

**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, which 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 Line:** A line established by law or agreement, usually parallel to the property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

**Front Building Line:** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

**Rear Building Line:** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

**Side Building Line:** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

**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 detached dwelling of the owner or operator of the facility. For the purpose of this ordinance a Campground is classified as an 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 Section 13.6.

**Cluster Development:** A large scale residential development of 5 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.

**Commercial Establishment:** An establishment housing an occupation, employment or enterprise, carried on for profit by the owner, lessee, or licensee, involving a sale of retail goods or the provision of services.

**Commercial, Highway:** A commercial establishment designed to provide accommodations or services to motorists, and to provide for non-pedestrian-oriented retail, wholesale, service and repair activities, typically serving beyond the needs of the immediate area.

**Commercial, Neighborhood:** A commercial establishment having a gross floor area devoted to the sale of retail goods or the provision of services of two thousand (2,000) square feet or less that essentially serve the needs of the immediate area.

**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.

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**Communication Equipment Building:** An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**Communications Tower:** A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

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

**Completely Dry Space:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**Comprehensive Plan:** A plan, prepared by the Planning Agency, and/or a multi-municipal planning agency in which the municipality participates, pursuant to Article III of the Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Compressor Station:** An industrial facility that receives natural gas typically from natural gas wells via transmission or gathering lines, removes the water and compresses the gas to the pressures needed in a long-distance natural gas transmission line. Federal regulations and permits govern interstate system compressors and State regulations and permits govern gathering line compressors.

**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 Board 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.

**Consistency:** An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar, connection or relationship.

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

**Convenience Store:** A commercial establishment offering gasoline, prepared food primarily for off-premises consumption, packaged food and dairy products, beverages and related items, typically over extended hours or open for 24 hours.

**Corrective/Penal Facility:** An institution for the housing of persons accused of or having been convicted of committing criminal offenses of a serious nature.

**Crematory:** A business where bodies are consumed by incineration and the ashes of the deceased are collected for burial or storage in urns, subject to air quality standards and permits under the purview of the PA Department of Environmental Protection.

**Cultivation Of Crops:** The use of land for raising of crops or for timber harvesting 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 preschools, 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.

**Designated growth area:** A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

**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.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured (mobile) homes; streets, and other paving; utilities; filling, grading and excavation; drilling operations; storage of equipment or materials; and the subdivision of land.

**Development of regional significance and impact:** Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

**Diameter at Breast Height (DBH):** The diameter of a tree trunk measured at a point four (4) feet above ground level.

**Disturbance:** Any physical activity which results in the modification of topography by cutting or filling, stripping of topsoil, and/or placing of physical structures or improvements thereon.

**Drip Line:** An imaginary circular line on the soil around a tree that mirrors the circumference of the tree's canopy. The tree's roots usually extend well beyond this line.

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

**Dry Space:** See Completely Dry Space and Essentially Dry Space.

**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, Garden:** An attached or detached low-rise single-family dwelling unit with all living space on the ground floor, having direct access to a yard, sidewalk or garden.

**Dwelling, Manufactured (Mobile) Home:** A single-family detached factory manufactured dwelling build on a chassis, subject to the Manufactured Home Construction and Safety Standards (HUD) Code, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**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, Seasonal:** A part-time dwelling utilized in conjunction with recreational pursuits and for the enjoyment of the outdoors.

**Dwelling, Single Family Attached:** A single-family attached dwelling of two 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.

**Dwelling, Single Family Detached:** A dwelling, including a modular home dwelling but excluding a manufactured home 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, 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.

**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.

**Essentially Dry Space:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**Essential Services:** Public utility and on-lot 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, septic tanks, drain fields, 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 adoption, or including not more than 6 persons placed in a foster home by an authorized agency, or a group of not more than three (3) 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 group homes for mentally retarded or developmentally disabled persons. This category does not include day care centers, foster care homes, nursing homes, hospitals, halfway houses, prisons, or jails.

**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.

**Fill:** Any clean soil, rock materials, sand and/or clay used to raise the ground elevation.

**Flood:** A temporary inundation of normally dry land areas.

**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 this Ordinance.

**Floodplain Area:** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or

improved real property, water and sanitary facilities, structures and their contents.

**Forestry:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**Future growth area:** An area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

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

**General consistency, generally consistent:** That which exhibits consistency.

**Governing Body:** The Borough Council of Wellsboro, Tioga 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 total horizontal areas of the building of all floors of a building sustaining a particular use, measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings or uses, excluding any space where the floor-to-ceiling height is less than six (6) feet and any interior parking/garage/loading space.

**Group Care Facility:** Is a public agency licensed, supervised, or operated facility which provides resident services to 4 or more 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 boarding homes, personal care homes and assisting living arrangements. This category does not include day care centers, family based group homes, foster homes, nursing homes, hospitals, prisons, or jails. No Group Care Facility shall be established within 2,500 ft. of another Group Care Facility or 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.

**Historic Structure:** Any structure that is:

- (1) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**Home Based Business:** Businesses carried out in residential properties are of two varieties, separate and distinct from a home occupation:

**Impact Home Based Business:** A business conducted on a lot in conjunction with a residential dwelling unit which may involve additions, renovations and/or new construction that affect the exterior appearance of the property. Such uses include lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district, in terms of goods/services offered, parking requirements (if any), noise, type of shipping/receiving used, utility usage, and appearance of the subject property and structure. The repair of motor vehicles shall be excluded from this use.

**No Impact Home Based Business:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.



- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

**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 Development 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.

**Hotel:** A building used as the temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

**Identified Floodplain Area:** The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

**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 areas in gravel, concrete, asphalt, etc. materials shall be considered impervious surfaces.

**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 Yard or Salvage Yard:** Any place where any junk as hereinafter defined is stored or disposed of.

**Junk:** Any discarded material and shall include, but not be limited to, scrap metal, abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include garbage kept in a proper container for the purpose of prompt disposal.

**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, containing the animals, and restraining entrance of other animals.

**Laboratory:** A building, part of a building, or other place equipped to conduct scientific experiments, tests, investigations, studies and analysis, or to develop or manufacture medicines or chemicals.

**Land Development:** Any of the following activities are included as land developments:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially of 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.
- (3) Development in accordance with Section 503 (1.1), Article V of the Pennsylvania Municipalities Planning Code.

**Land Disturbing Activity:** Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure. An agricultural activity such as the planting, growing, cultivating and harvesting of crops is exempt from this definition.

**Lot:** A piece or parcel of land undivided by any street or right-of-way and 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 the street right-of-way 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, Mobile/Manufactured Home:** In a mobile/manufactured home park, that portion of land set aside and/or leased for each respective mobile/manufactured home placement.

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

**Lowest Floor:** The lower floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area which is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

**Manufacturing:** The making, assembly, fabrication and/or processing of goods or wares by manual labor or by machinery, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products from previously prepared materials, or the making or refining of finished or semi-finished products from raw materials or minerals, typically for sale to other industrial users and not the end consumer.

**Manufactured Home:** see Dwelling, Manufactured Home.

**Manufactured Home Park:** A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

**Medical Marijuana:** Under Act 16 of 2016 (the Act or Medical Marijuana Program), the term refers to marijuana obtained for a certified medical use by a Pennsylvania resident with a serious medical condition, as defined under Act 16 of 2016, and is limited by statute in Pennsylvania to the following forms – a pill; oil; topical forms, including

gel, creams or ointments; a form medically appropriate for administration by vaporization or nebulization, excluding dry leaf or plant form; tincture; and liquid.

**Medical Marijuana Dispensary:** A permitted facility providing medical marijuana subject to the approval and regulation by the Pennsylvania Department of Health (PADOH) to patients who have been registered and certified as eligible by PADOH under the regulations of Act 16 of 2016.

**Medical Marijuana Grower/Processor:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the PA Department of Health under Act 16 of 2016 to grow and process medical marijuana.

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

**Minor Repair:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

**Mobile Home:** See Dwelling, Manufactured Home.

**Mobile Home Park:** See Manufactured Home Park.

**Motel Or Conference Center:** 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.

**Multi-municipal plan:** A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

**Multi-municipal planning agency:** A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating

municipalities, multimunicipal issues, including, but not limited to agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

**Municipalities Planning Code:** Act of the Pennsylvania General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Municipality:** The municipal corporation known as Wellsboro, Tioga County, Pennsylvania.

**Natural Gas Pipelines:** The following definitions apply to references to natural gas pipelines in this Ordinance:

**Gathering Line:** A pipeline that transports gas from a current production facility or wellpad to a transmission line.

**Transmission Line:** A pipeline, other than a gathering line, that transports gas from a gathering line or storage facility to a distribution or processing facility, or a customer that is not downstream from a distribution center.

**Distribution Line:** A pipeline other than a gathering or transmission line, that transports gas from a common source of supply to one or more individual customers, or to multiple customers served through a meter header or manifold, ending at the outlet of the customer meter or at the connection to the customer's piping, whichever is further downstream.

**New Construction:** Structures for which the start of construction commenced on or after June 20, 1977, and includes any subsequent improvements thereto.

**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 reason 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:** An institution for extended care of greater than three (3) aged or infirm persons, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services, but not for the care and treatment of alcoholism or narcotics addiction. The facility shall be licensed in accordance with

appropriate State and/or County laws and regulations. A correctional/penal institution is specifically excluded from this definition.

**Nutrient Management Act:** Act of the Pennsylvania General Assembly No. 6 approved May 20, 1993 (P.L. 12), as amended.

**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 Municipalities Planning Code, Act of the General Assembly No. 247 approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

**Oil or gas:** Crude oil, natural gas, methane gas, coal bed methane gas, propane, other hydrocarbons, non-hydrocarbon gas, and any other gas of any kind, and any constituents thereof, that are produced by drilling a well of any depth into, through or below the surface of the earth.

**Oil or gas drilling:** Any site preparation, digging or boring of a hole, shaft, well or other depression in the surface of the earth to explore, develop or produce oil or gas, or to inject oil or gas, water or any other fluid or substance into the earth.

**Oil or gas exploration:** Any exploration for oil or gas, whether conducted above or below the surface of the earth, which may include but is not limited to exploration wells, gravity surveys, magnetic surveys, seismic surveys of any kind, and any other geophysical tests or surveys.

**One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

**Open space:** An area of land or water, or a combination of land and water on a parcel of land that is free of improvement and impervious surfaces.

**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.

**Permanent Foundation:** A foundation when constructed using approved methods and/or standards and materials shall remain intact for an interminable amount of time, and shall not be moveable or relocateable.

**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.

**Person:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**Planning Agency:** The Planning Commission of Wellsboro Borough, Tioga 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.

**Preservation or protection:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**Prime agricultural land:** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

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

**Private Airport:** An airport, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, which is privately owned and which is not open or intended to be open to the public.

**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 infrastructure area:** A designated growth area and all or any portion of a future growth area described in a county or multimunicipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

**Public infrastructure services:** Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

**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 Service Facility:** The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations; sewage disposal or pumping plants and other similar public service structures by a utility, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

**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 or Entertainment Facility:** A profit or non-profit business in which amusement, entertainment, cultural events, play or other exercise is offered or sold. This use shall not include the sale of products other than recreation. Such facilities may include but not be limited to theaters, clubs, lodges, social halls, indoor skating rinks, gymnasiums, and exercise centers.

**Recreational Vehicle:** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**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 detached 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 offering in-premises dining for patrons in tables, booths and/or stools, and/or on a take-out basis in-establishment without drive-through facilities.

**Restaurant, Drive-Through:** An establishment offering in-premises dining for patrons in tables, booths and/or stools, and/or on a take-out basis either in-establishment or via drive-through facilities.

**Restaurant, Food Trucks:** A self-propelled vehicle or hauled trailer or cart on wheels equipped to cook and sell food, primarily for off-premises consumption.

**Retail Business:** A place of business engaged in the selling of goods and merchandise to the general public for personal, business or household use and rendering services incidental to the sale of such goods.

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

**Regulatory Flood Elevation:** The one hundred (100) year flood elevation.

**Road:** See Street.

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

**Rural Resource Area:** An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

**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.

**Self-Service Storage:** A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy or nor commercial sales conducted from such storage areas.

**Setback Lines:** See Building Lines.

**Shopping Center:** A commercial land development involving a group of retail and/or services establishments planned, constructed, and managed as a total entity; with customer and employee parking provided on-site, and provision for goods delivery typically separated from customer access.

**Short-Term Rentals:** The renting out of a furnished home, apartment or condominium unit, otherwise used as a principal residential use on the subject property, by the owner of record, for a short-term business or vacation stay by the day, week or period up to thirty (30) days, with the owner also in residence during rental period. Marketing may be via Airbnb, FlipKey, Vacation Rentals By Owner, or other service providers, or individually by the owner of record.

**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. Specific sign definitions are included in Article 13.

**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:** The following describes the manner of determining area for different general types of signage:

- (1) 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.
- (2) 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.
- (3) 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.

**Special Permit:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**Steep Slopes:** Land or portions of land and/or lots having slopes of fifteen percent (15%) or more vertical per one hundred (100) feet horizontal when there are five (5) adjacent contour intervals of two (2) feet each, such that, in aggregate, they delineate a slope of at least 15%. This ordinance further categorizes steep slopes as follows:

**Slopes of 15% but less than 25%:** Slopes of fifteen (15) percent but less than 25% (e.g., sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent but less than 25%.

**Slopes of 25% or more:** Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

**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 Wellsboro 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 Wellsboro 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 on the ground or attached to the ground including, but not limited to buildings, sheds, fences, walls, signs, mobile homes, recreational vehicles, and other similar items. Public utility and on-lot facilities that do not require enclosure in a building (see Essential Services) shall not be considered

structures.

**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.

**Substantial Damage:** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any construction, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**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 DEP requirements.

**Tattoo:** A form of body modification or art, where a design is made by inserting ink, dyes and pigments, either indelible or temporary, into the dermis layer of the skin to change the pigment.

**Tattoo Shop/Parlor:** A commercial establishment offering tattoo services for patrons either as a principal or ancillary service.

**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.

**Theater, Outdoor Drive-In** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats. See Recreation or Entertainment Facility.

**Tourist Home:** See Bed and Breakfast Inn.

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

**Trailer Storage:** Any type of enclosed structure, trailer portion of a tractor trailer combination, bus, mobile home, vehicle, or portion of a vehicle, whether with wheels, hitch, or other appurtenances of mobility that is used for storage of materials on a lot. Any such structure shall be treated as an Accessory Structure, subject to all regulations applicable to Accessory Structures. A Zoning Permit shall be required for any such apparatus that exceeds 100 square feet of storage area.

**Travel Trailer:** See Recreational Vehicle.

**Truck Terminal:** A building or area in which trucks may be parked, stored or serviced and where freight may be loaded, unloaded or transferred to/from truck trailers and/or intermodal trailers and/or containers. A truck terminal may include facilities for the temporary storage of goods prior to transshipment or local delivery.

**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.

**Vape or Vapor Shop:** A retail outlet specializing in the selling of electronic cigarette products, either as a principal or ancillary service/product, which may include a lounge area for on-site use of products by customers.

**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.

**Warehousing:** Terminal facilities and buildings used for the storage of goods and materials and/or handling of freight with or without maintenance facilities.

**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 Protection 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, residual, or hazardous waste.

**Yard:** The open, unoccupied space on the plot between the property line and the front, rear and side building lines (See Building Line).

**Yard Sale or Garage Sale:** The sale by a resident conducted on the premises of tangible personal property, such as used clothing and household articles accumulated over several years as part of everyday living, belonging to the owner or occupant of such property.

**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 Wellsboro, Tioga County, Pennsylvania.

**Zoning Map:** The Official Zoning Map of Wellsboro, Tioga County.

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

**Zoning Permit:** See Permit.

## **ARTICLE 2**

### **Rural Residential District**

#### **2.1 Purpose of the Rural Residential District**

The purpose of the Rural Residential District is to encourage the continued use of outlying portions of the Borough for rural living including open space, forestry, agriculture, and low density residential uses. As an outlying area it is not expected to be served with many of the public infrastructure services typically provided in the Borough. On-lot utility provisions by the applicant will be necessary. In the event utility extensions from Borough utility systems become feasible, the land area affected should be evaluated for classification into a different district.

#### **2.2 Use Regulations for the Rural Residential District**

##### **2.2.1 Permitted Uses**

- 2.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 13);
- 2.2.1.2 Agricultural Business;
- 2.2.1.3 Agricultural Operation;
- 2.2.1.4 Communications Antennae and Equipment Buildings (see supplemental regulations in Article 14);
- 2.2.1.5 Communication Tower with Height less than 100 ft. (see supplemental regulations in Article 14);
- 2.2.1.6 Cultivation of Crops (no zoning permit required);
- 2.2.1.7 Dwelling, Garden;
- 2.2.1.8 Dwelling, Single Family Detached;
- 2.2.1.9 Dwelling, Two Family;
- 2.2.1.10 Essential Service (no zoning permit required);
- 2.2.1.11 Family Based Group Home (see supplemental regulations in Article 14);
- 2.2.1.12 Family Day Care Home (see supplemental regulations under Home Occupation in Article 14);
- 2.2.1.13 Forestry Activities (no zoning permit required);
- 2.2.1.14 Home Occupation (see supplemental regulations in Article 14);
- 2.2.1.15 Hunting Camp or Seasonal Dwelling; and
- 2.2.1.16 No Impact Home Based Business.

##### **2.2.2 Special Exception Uses {Reserved}**

##### **2.2.3 Conditional Uses (criteria found in Article 14)**

- 2.2.3.1 Bed and Breakfast Inn;
- 2.2.3.2 Communications Tower (Height greater than 100 ft.);
- 2.2.3.3 Impact Home Based Business;
- 2.2.3.4 Kennel;
- 2.2.3.5 Manufactured (Mobile) Home Park
- 2.2.3.6 Natural Gas Compressor Station;
- 2.2.3.7 Oil or gas drilling;
- 2.2.3.8 Oil or gas exploration;



- 2.2.3.9 Outdoor Recreation Facilities (also see the applicable Subdivision and Land Development Ordinance);
- 2.2.3.10 Professional Office;
- 2.2.3.11 Public or Quasi-Public Use, Public Service Facility;
- 2.2.3.11 Short-Term Rentals; and
- 2.2.3.13 Surface Mining.

## **2.3 Height and Coverage Requirements, Maximum Ratio of Lot Depth to Width**

- 2.3.1 Maximum Building Coverage: 20% of lot area
- 2.3.2 Maximum Impervious Surface (including buildings): 30% of lot area
- 2.3.3 Minimum Open Space: 70% of lot area
- 2.3.4 Maximum Building Height: 35 ft.
- 2.3.5 Maximum Ratio of Lot Depth to Width 3:1

## **2.4 Minimum Areas and Dimensions**

### **2.4.1 Single Family Detached and Two Family Dwelling; Bed and Breakfast Inn; Family Based Group Home; Family Day Care Home; Hunting Camp or Seasonal Dwelling; Manufactured (Mobile Home) Dwelling; Professional Office.**

- 2.4.1.1 Minimum Lot Area: on-lot sewer and water: 2 acres
- 2.4.1.2 Minimum Lot Width: 150 ft.
- 2.4.1.3 Minimum Yards:
  - front: 30 ft.
  - side: 20 ft.
  - rear: 20 ft.

### **2.4.2 Kennel; or Public/Quasi-Public Use or Public Service Facility.**

- 2.4.2.1 Minimum Lot Area: 3 acre
- 2.4.2.2 Minimum Lot Width: 200 ft.
- 2.4.2.3 Minimum Yards:
  - front: 50 ft.
  - side: 50 ft.
  - rear: 50 ft.

### **2.4.3 Outdoor Recreation Use or Facility**

- 2.4.3.1 Minimum Lot Area: 10 acres
- 2.4.3.2 Minimum Lot Width: 400 ft.
- 2.4.3.3 Minimum Building Lines:
  - front: 100 ft.
  - side: 50 ft.
  - rear: 50 ft.

#### **2.4.4 Agricultural Operation or Surface Mining**

2.4.4.1 Minimum Lot Area: 100 acres

2.4.4.2 Minimum Lot Width: 400 ft.

2.4.4.3 Minimum Yards:

front: 100 ft.

side: 100 ft.

rear: 100 ft.

#### **2.4.5 Oil and Gas Drilling/Exploration**

2.4.5.1 Minimum Lot Area: 2 acres

2.4.5.2 Minimum Lot Width: 400 feet

2.4.5.3 Minimum Yards:

from public highway ROW, cemetery or stream bank: 100 ft.

from occupied dwelling, public building, school, park, community building, or  
institutional building: 300 ft.

#### **2.4.6 Mobile Home Park: See the applicable Subdivision and Land Development Ordinance for additional requirements.**

2.4.6.1 Minimum Park Area: 5 acres

2.4.6.2 Maximum Gross Density: 5 dwelling units per acre

2.4.6.3 Minimum Park Lot Width: 500 ft.

2.4.6.4 Minimum Park Building Lines:

front: 100 ft.

side: 50 ft.

rear: 50 ft.

## **ARTICLE 3**

### **Residential Town District**

#### **3.1 Purpose of the Residential Town District**

The purpose of the Residential Town District is to provide or preserve areas in the Borough for primarily residential development uses served by both public water and sewer systems and other urban amenities. A variety of residential types to serve a range of household size and income shall be encouraged provided that design considerations are made to ensure maintenance of the existing neighborhood character. Nonresidential development shall be limited to types that are supportive and in harmony with the residential character of the neighborhood.

#### **3.2 Use Regulations for the Residential Town District**

##### **3.2.1 Permitted Uses**

- 3.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 13);
- 3.2.1.2 Communications Antennae and Equipment Buildings (see supplemental regulations in Article 14);
- 3.2.1.3 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 3.2.1.4 Cultivation of Crops (no zoning permit required);
- 3.2.1.5 Dwelling, Garden – detached/attached;
- 3.2.1.6 Dwelling, Single Family Detached;
- 3.2.1.7 Dwelling, Two Family;
- 3.2.1.8 Essential Service (no zoning permit required);
- 3.2.1.9 Family Based Group Home (see supplemental regulations in Article 14);
- 3.2.1.10 Family Day Care Home (see supplemental regulation for Home Occupations in Article 14);
- 3.2.1.11 Forestry Activities (no zoning permit required);
- 3.2.1.12 Home Occupation (see supplemental regulations in Article 14); and
- 3.2.1.13 No Impact Home Based Business.

##### **3.2.2 Special Exception Uses {Reserved}**

##### **3.2.3 Conditional Uses (criteria found in Article 14)**

- 3.2.3.1 Bed and Breakfast Inn;
- 3.2.3.2 Day Care Center;
- 3.2.3.3 Dwelling, Multiple Family;
- 3.2.3.4 Dwelling, Townhouse;
- 3.2.3.5 Funeral Home;
- 3.2.3.6 Group Care Facility;
- 3.2.3.7 Impact Home Based Business;
- 3.2.3.8 Nursing or Retirement Home, Assisted Living Facility;
- 3.2.3.9 Professional Office; and
- 3.2.3.10 Public or Semi-Public Use, Public Service Facility.

### **3.3 Height and Coverage Regulations**

- 3.3.1 Maximum Building Coverage: 25% of lot area
- 3.3.2 Maximum Impervious Surface: 35% of lot area
- 3.3.3 Maximum Building Height: 35 ft.

### **3.4 Density, Area and Dimension Standards**

#### **3.4.1 Single Family Detached Dwellings, Bed & Breakfast Inn, Family Based Group Home, and Family Day Care Home, Professional Offices**

- 3.4.1.1 Minimum Lot Area:
  - on-lot sewer and water: 1 acre (43,560 sq. ft.)
  - public sewer or public water: 30,000 sq. ft.
  - public sewer and public water: 10,000 sq. ft.
- 3.4.1.2 Minimum Lot Width:
  - on-lot sewer and water: 150 ft.
  - public sewer or public water: 100 ft.
  - public sewer and public water: 80 ft.
- 3.4.1.3 Minimum Building Lines:
  - front: 20 ft. or average of adjoining lots if the average is less than 20 ft.
  - side: 10 ft.
  - rear - for lots 1 acre or larger in size: 25 ft.
  - rear - for lots less than 1 acre in size: 15 ft.
- 3.4.1.4 Maximum Ratio of Lot Depth to Width 3:1

#### **3.4.2 Two-Family Dwellings**

- 3.4.2.1 Minimum Lot Area
  - public sewer or water: 1 acre (43,560 sq. ft.)
  - public sewer and public water: 20,000 sq. ft.
- 3.4.2.2 Minimum Lot Width
  - public sewer or water: 160 ft.
  - public sewer and public water: 80 ft.
- 3.4.2.3 Minimum Building Lines:
  - front: 20 ft. or average of adjoining lots if the average is less than 20 ft.
  - side: 10 ft.
  - rear: 25 ft.
- 3.4.2.4 Maximum Ratio of Lot Depth to Width 3:1

#### **3.4.3 Townhouses and Garden Dwellings - attached**

- 3.4.3.1 Minimum Lot Area for Townhouse Development: 2 acres
- 3.4.3.2 Maximum Gross Density: 5 dwelling units per acre
- 3.4.3.3 Minimum Lot Width for Townhouse Development: 300 ft.
- 3.4.3.4 Minimum Building Lines
  - front: 30 ft.
  - side - to property line: 20 ft.
  - side - between units: zero
  - side - between buildings: 100 ft.
  - rear: 25 ft.

3.4.3.5 Minimum Lot Area and Width Per Townhouse/Garden Unit

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.

3.4.3.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

**3.4.4 Multiple Family Dwelling or Nursing or Retirement Home, Assisted Living Facility**

3.4.4.1 Minimum Lot Area: 2 acres

3.4.4.2 Maximum Gross Density: 5 dwelling units per acre

3.4.4.3 Minimum Lot Width: 300 ft.

3.4.4.4 Minimum Building Lines:

front: 50 ft.

side: 20 ft.

rear: 30 ft.

3.4.4.5 Minimum Building Separation: 100 ft.

3.4.4.6 Water and Sewage Facilities: The development must be served by public water and public sewage facilities.

**3.4.5 Day Care Center; Group Care Facility; Funeral Home; Public or Semi-Public Use or Public Service Facility**

3.4.5.1 Minimum Lot Area: 30,000 sq. ft.

3.4.5.2 Minimum Lot Width: 150 ft.

3.4.5.3 Minimum Building Lines:

front: 50 ft.

side: 20 ft.

rear: 25 ft.

3.4.5.4 Maximum Ratio of Lot Depth to Width 3:1

### **3.5 Design Criteria for New and Expanded Structures**

#### **3.5.1 Minimum Roof Pitch (Use One of the Following Criteria)**

- 3.5.1.1 Minimum 7/12 roof pitch;
- 3.5.1.2 Average of Principal Structure Roofs of Adjoining Structures; or
- 3.5.1.3 Average of Principal Structure Roofs In Block (across the street and on the same side of street within the block)

#### **3.5.2 Building Orientation – Front To Side Ratio of Principal Structure (Use One of the Following Criteria)**

- 3.5.2.1 Shall not exceed 2 (front):3 (side);
- 3.5.2.2 Average of Adjoining Principal Structures; or
- 3.5.2.3 Average of Principal Structures in Block

#### **3.5.3 Front Building Façade (Use One of the Following Criteria)**

- 3.5.3.1 Facing Street;
- 3.5.3.2 Use type of front façade of adjoining structure; or
- 3.5.3.3 Use type of front façade prevalent within the block

#### **3.5.4 Parking Areas –** Parking Areas shall be to one side and toward the rear of the principal structure or lot.

## **ARTICLE 4**

### **Historic Residential District**

#### **4.1 Purpose of the Historic Residential District**

The Historic Residential District corresponds to the residential portion of the nominated Federal Register Historic District for the Borough. It is a unique area of the Borough where the land use pattern is predominately two story, single family structures on relatively narrow lots. New and renovated structures and lots shall generally conform to the standards and design criteria specified in this article to insure a degree of compatibility within lots, thus insuring the public safety and welfare of the District. The utility network and other urban amenities are already in place for the District. A variety of residential types to serve a range of household size and income shall be encouraged provided that the appearance of the neighborhood is maintained. Great care is required in establishing new non-residential uses to insure that they are supportive and in harmony with the residential character of the neighborhood.

#### **4.2 Use Regulations for the Historic Residential District**

##### **4.2.1 Permitted Uses**

- 4.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 13);
- 4.2.1.2 Communications Antennae and Equipment Buildings (see supplemental regulations in Article 14);
- 4.2.1.3 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 4.2.1.4 Dwelling, Garden – detached;
- 4.2.1.5 Dwelling, Single Family Detached;
- 4.2.1.6 Dwelling, Two Family;
- 4.2.1.7 Essential Service (no zoning permit required);
- 4.2.1.8 Family Based Group Home (see supplemental regulations in Article 14);
- 4.2.1.9 Family Day Care Home (see supplemental regulation for Home Occupations in Article 14);
- 4.2.1.10 Forestry Activities (no zoning permit required);
- 4.2.1.11 Home Occupation (see supplemental regulations in Article 14); and
- 4.2.1.12 No Impact Home Based Business.

##### **4.2.2 Special Exception Uses {Reserved}**

##### **4.2.3 Conditional Uses (criteria found in Article 14)**

- 4.2.3.1 Bed and Breakfast Inn;
- 4.2.3.2 Day Care Center;
- 4.2.3.3 Dwelling, Multiple Family;
- 4.2.3.4 Funeral Home;
- 4.2.3.5 Group Care Facility;
- 4.2.3.6 Impact Home Based Business;
- 4.2.3.7 Indoor Recreation/Entertainment Facility;
- 4.2.3.8 Nursing or Retirement Home, Assisted Living Facility;

- 4.2.3.9 Parking Lot or Parking Garage (see supplemental regulations in Article 13 for Off-Street Parking and Loading);
- 4.2.3.10 Professional Office; and
- 4.2.3.11 Public or Semi-Public Use, Public Service Facility.

#### **4.3 Height and Coverage Regulations**

- 4.3.1 Maximum Building Coverage: 33% of lot area
- 4.3.2 Maximum Impervious Surface: 45% of lot area
- 4.3.3 Maximum Building Height: 35 ft.

#### **4.4 Density, Area and Dimension Standards**

##### **4.4.1 Single Family Detached Dwellings, Bed and Breakfast Inn**

- 4.4.1.1 Minimum Lot Area: public sewer and public water: 9,000 sq. ft.
- 4.4.1.2 Minimum Lot Width: public sewer and public water: 70 ft.
- 4.4.1.3 Minimum Building Lines:
  - front: 20 ft. or average of adjoining lots if the average is less than 20 ft.
  - side: in aggregate: 16 ft./ one side 6 ft.
  - rear: 15 ft.
- 4.4.1.4 Maximum Ratio of Lot Depth to Width 3:1

##### **4.4.2 Day Care Center; Group Care Facility; Funeral Home; Indoor Recreation/ Entertainment Facility; Multiple Family Dwelling; Professional Office; Public or Semi-Public Use or Public Service Facility; Two-Family Dwellings**

- 4.4.2.1 Minimum Lot Area: public sewer and public water: 30,000 sq. ft.
- 4.4.2.2 Minimum Lot Width: public sewer and public water: 80 ft.
- 4.4.2.3 Minimum Building Lines:
  - front: 20 ft. or average of adjoining lots if the average is less than 20 ft.
  - side: 10 ft.
  - rear: 25 ft.

##### **4.4.3 Nursing or Retirement Home, Assisted Living Facility**

- 4.4.3.1 Minimum Lot Area: 1 acre
- 4.4.3.2 Minimum Lot Width: 100 ft.
- 4.4.3.3 Minimum Building Lines:
  - front: 20 ft. or average of adjoining lots if the average is less than 20 ft.
  - side: 20 ft.
  - rear: 30 ft.
- 4.4.3.4 Maximum Ratio of Lot Depth to Width 3:1
- 4.4.3.5 Minimum Building Separation: 50 ft.
- 4.4.3.6 Water and Sewage Facilities: The project must be served by public water and public sewage facilities.



## **4.5 Design Criteria for New and Renovated Structures**

### **4.5.1 Number of Stories for Principal Structures (Use One of the Following Criteria)**

- 4.5.1.1 Shall be minimum of 2 stories and not exceed 2½ stories;
- 4.5.1.2 Match number of stories of an adjoining structure; or
- 4.5.1.3 Use number of stories of  $\frac{3}{4}$  of structures within the block

### **4.5.2 Minimum Roof Pitch (Use One of the Following Criteria)**

- 4.5.2.1 Minimum 7/12 roof pitch;
- 4.5.2.2 Average of Principal Structure Roofs of Adjoining Structures; or
- 4.5.2.3 Average of Principal Structure Roofs In Block (across the street and on the same side of street within the block)

### **4.5.3 Building Orientation – Front To Side Ratio of Principal Structure (Use One of the Following Criteria)**

- 4.5.3.1 Shall not exceed 2 (front):3 (side);
- 4.5.3.2 Average of Adjoining Principal Structures; or
- 4.5.3.3 Average of Principal Structures in Block

### **4.5.4 Front Building Façade (Use One of the Following Criteria)**

- 4.5.4.1 Facing Street;
- 4.5.4.2 Use type of front façade of adjoining structure;
- 4.5.4.3 Use type of front façade prevalent within the block

### **4.5.5 Parking Areas – Parking Areas shall be to one side and toward the rear of the principal structure or lot**

## **ARTICLE 5**

### **Central Business District**

#### **5.1 Purpose of the Central Business District**

The purpose of the Central Business District is to identify and protect the historic core commercial center of the Borough. The area is predominately utilized for retail, restaurant, office and other commercial enterprises. This district is intensely developed with a strong pedestrian orientation. Residential and office uses shall be favored on the upper floors of multiple story buildings.

#### **5.2 Use Regulations for the Central Business District**

##### **5.2.1 Permitted Uses**

- 5.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 13);
- 5.2.1.2 Bed and Breakfast Inn (see supplemental regulation in Article 14);
- 5.2.1.3 Communications Antennae and Equipment Buildings (see supplemental regulations in Article 14);
- 5.2.1.4 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 5.2.1.5 Essential Service (no zoning permit required);
- 5.2.1.6 Financial Offices;
- 5.2.1.7 Forestry Activities (no zoning permit required);
- 5.2.1.8 Home Occupation (see supplemental regulations in Article 14);
- 5.2.1.9 Indoor Recreation/Entertainment Facility;
- 5.2.1.10 Medical Office Buildings;
- 5.2.1.11 No Impact Home Based Business;
- 5.2.1.12 Professional Offices;
- 5.2.1.13 Restaurant;
- 5.2.1.14 Retail – Neighborhood, Convenience and Specialty;
- 5.2.1.15 Services, Business and Personal; and
- 5.2.1.16 Wholesale

##### **5.2.2 Special Exception Uses {Reserved}**

##### **5.2.3 Conditional Uses (criteria found in Article 14)**

- 5.2.3.1 Animal Hospital
- 5.2.3.2 Body Piercing Shop/Parlor;
- 5.2.3.3 Day Care Center;
- 5.2.3.4 Dwelling, Multiple Family;
- 5.2.3.5 Hospital, Hospital Administration and Support Uses;
- 5.2.3.6 Motel/Hotel;
- 5.2.3.7 Parking Lot or Parking Garage (see supplemental regulations in Article 13 for Off-Street Parking and Loading);
- 5.2.3.8 Public or Semi-Public Use, Public Service Facility;

- 5.2.3.9 Restaurant, Drive-Through;
- 5.2.3.10 Retail, requiring off-street parking;
- 5.2.2.11 Short-Term Rentals;
- 5.2.2.12 Tattoo Shop/Parlor; and
- 5.2.2.13 Vape/Vapor Shop

### **5.3 Height and Coverage Regulations**

- 5.3.1** Maximum Building Coverage: 80% of lot area
- 5.3.2** Maximum Impervious Surface: 100% of lot area
- 5.3.3** Maximum Building Height: 55 ft.

### **5.4 Density, Area and Dimension Standards**

#### **5.4.1 All Uses**

- 5.4.1.1 Minimum Lot Area: 6,000 sq. ft.
- 5.4.1.2 Minimum Lot Width: 60 ft.
- 5.4.1.3 Minimum Building Lines
  - front: 0 ft.
  - side: 0 ft.
  - rear: 0 ft.

## **ARTICLE 6**

### **Hospital District**

#### **6.1 Purpose of the Hospital District**

The purpose of the Hospital District is to maintain a land area within the Borough dedicated to this important community resource. The area will predominately be utilized for a hospital or uses customary associated with or in support of the hospital.

#### **6.2 Use Regulations for the Hospital District**

##### **6.2.1 Permitted Uses**

- 6.2.1.1 Accessory Use or Structure (see supplemental regulation in Article 13);
- 6.2.1.2 Assisted Living Facility;
- 6.2.1.3 Communications Antennae and Equipment Buildings (see supplemental regulations in Article 14);
- 6.2.1.4 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 6.2.1.5 Day Care Center;
- 6.2.1.6 Essential Service (no zoning permit required);
- 6.2.1.7 Forestry Activities (no zoning permit required);
- 6.2.1.8 Hospital, Hospital Administration and Support Uses;
- 6.2.1.9 Laboratory;
- 6.2.1.10 Medical Office Buildings;
- 6.2.1.11 Nursing or Retirement Home;
- 6.2.1.12 Parking Lot or Parking Garage (see supplemental regulations in Article 13 for Off-Street Parking and Loading);
- 6.2.1.13 Professional Office; and
- 6.2.1.14 Public or Semi-Public Use, Public Service Facility.

##### **6.2.2 Special Exception Uses {Reserved}**

##### **6.2.3 Conditional Uses {Reserved}**

#### **6.3 Height and Coverage Regulations**

- 6.3.1 Maximum Impervious Surface: 80% of lot area
- 6.3.2 Maximum Building Height: 45 ft.

#### **6.4 Density, Area and Dimension Standards**

- 6.4.1 Minimum Lot Area: 9,000 sq. ft.
- 6.4.2 Minimum Lot Width: 60 ft.
- 6.4.3 Minimum Building Lines:
  - front: 20 ft.
  - side: 10 ft.
  - rear: 25 ft.

## **ARTICLE 7**

### **Highway Commercial District**

#### **7.1 Purpose of the Highway Commercial District**

The purpose of the Highway Commercial District is to permit the development of commercial areas consisting of one or more establishments in buildings of integrated and harmonious design, together with adequate and properly arranged pedestrian and vehicular movement and parking, with landscaping which will provide an integrated, efficient, convenient, pleasant and safe area for shopping and which will fit harmoniously into and will have no adverse effect upon the adjoining or surrounding development.

#### **7.2 Use Regulations for the Highway Commercial District**

##### **7.2.1 Permitted Uses**

- 7.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 13)
- 7.2.1.2 Bed and Breakfast;
- 7.2.1.3 Body Piercing Shop/Parlor;
- 7.2.1.4 Communications Antennae;
- 7.2.1.5 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 7.2.1.6 Essential Service (no zoning permit required);
- 7.2.1.7 Family Day Care Home (see supplemental regulations under Home Occupation in Article 14);
- 7.2.1.8 Financial Institutions/Offices;
- 7.2.1.9 Forestry Activities (no zoning permit required);
- 7.2.1.10 Funeral Home;
- 7.2.1.11 Home Occupation (see supplemental regulations in Article 14);
- 7.2.1.12 Indoor Recreation/Entertainment Facility;
- 7.2.1.13 Medical Office Buildings;
- 7.2.1.14 No Impact Home Based Business;
- 7.2.1.15 Parking Lot or Parking Garage (see supplemental regulations in Article 13 for Off-Street Parking and Loading);
- 7.2.1.16 Printing, Commercial;
- 7.2.1.17 Professional Office;
- 7.2.1.18 Repair Business (see supplemental regulations for Automotive Repair Business in Article 14);
- 7.2.1.19 Restaurant;
- 7.2.1.20 Restaurant, Drive-Through;
- 7.2.1.21 Retail – Neighborhood, Convenience and Specialty;
- 7.2.1.22 Retail with Drive-up/Drive-through facilities;
- 7.2.1.23 Retail requiring off-street parking;
- 7.2.1.24 Services, Business and Personal;
- 7.2.1.25 Self-Service Storage;
- 7.2.1.26 Tattoo Shop/Parlor;

- 7.2.1.27 Vape/Vapor Shop;
- 7.2.1.28 Warehousing; and
- 7.2.1.29 Wholesale.

## **7.2.2 Special Exception Uses {Reserved}**

## **7.2.3 Conditional Uses (criteria found in Article 14)**

- 7.2.3.1 Adult Entertainment;
- 7.2.3.2 Animal Hospital;
- 7.2.3.2 Corrective/Penal Facility;
- 7.2.3.4 Hospital, Hospital Administration and Support Uses;
- 7.2.3.5 Impact Home Business;
- 7.2.3.6 Medical Marijuana Dispensary;
- 7.2.3.7 Mobile Home Park;
- 7.2.3.8 Motel/Hotel;
- 7.2.3.9 Public or Quasi-Public Use, Public Service Facility;
- 7.2.3.10 Restaurant, Food Truck;
- 7.2.3.11 Shopping Center; and
- 7.2.3.12 Short-Term Rentals.

## **7.3 Height and Coverage Requirements**

### **7.3.1 Maximum Building Coverage: 50% of lot area**

### **7.3.2 Maximum Impervious Surface: 75% of lot area**

### **7.3.3 Minimum Green Space: 25% of lot area**

### **7.3.4 Maximum Building Height: 45 ft.**

## **7.4 Minimum Areas and Dimensions**

### **7.4.1 Animal Hospital; Bed and Breakfast; Funeral Home; Hospital, Hospital Administration and Support Uses; Indoor Recreation Facility; Medical Marijuana Dispensary, Medical Office Buildings; Parking Lot or Parking Garage (as a principal use); Professional Office; Public or Quasi-Public Use or Public Service Facility; Restaurant (except Food Truck); or Retail, Wholesale, Office, Service, Printing, or Repair Business.**

#### **7.4.1.1 Minimum Lot Area: 0.5 acre**

#### **7.4.1.2 Minimum Lot Width: 150 ft.**

#### **7.4.1.3 Minimum Building Lines**

front: 40 ft.

side: 20 ft.

rear: 20 ft.

**7.4.2 Adult Entertainment; Corrective/Penal Facility; Motel; or Shopping Center.**

7.4.2.1 Minimum Lot Area: 3 acres

7.4.2.2 Minimum Lot Width: 250 ft.

7.4.2.3 Minimum Building Lines:

front 40 ft.

side: 20 ft.

rear: 20 ft.

**7.4.3 Mobile Home Park:** See the applicable Subdivision and Land Development Ordinance for additional requirements.

7.4.3.1 Minimum Park Area: 5 acres

7.4.3.2 Maximum Gross Density: 5 dwelling units per acre

7.4.3.3 Minimum Park Lot Width: 500 ft.

7.4.3.4 Minimum Park Building Lines:

front: 100 ft.

side: 50 ft.

rear: 50 ft.

7.4.3.5 Minimum Mobile Home Lot Area: 6,000 sq. ft.

7.4.3.6 Minimum Mobile Home Lot Width: 50 ft.

7.4.3.7 Minimum Building Lines for Mobile Home Lot:

front: 20 ft.

side: 10 ft.

rear: 10 ft.

7.4.3.8 Water and Sewage Facilities: The mobile home park development must be served by public water and public sewage facilities.

7.4.3.9 Recreation Space Requirements:

A minimum of ten (10) percent of the gross park area or 750 square feet per unit, whichever is larger, shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be readily accessible to all mobile home lots. The plans and application for a mobile home park shall show the proposed recreational facilities to be provided and explain the maintenance of such recreation space.

## **ARTICLE 8**

### **Commercial Manufacturing District**

#### **8.1 Purpose of the Commercial Manufacturing District**

The purpose of the Commercial Manufacturing District is to permit the development of commercial and industrial uses on individual lots or within commercial or industrial parks, including buildings, roadways, storage yards, loading areas, parking facilities, open space, landscaping, utilities, and stormwater management facilities. Such uses shall ideally be planned as a unified development with individual buildings and lots integrated into an overall harmonious design. The Commercial Manufacturing District shall also protect commercial and industrial development against intrusive uses which are incompatible with it.

Limited agricultural operations may be considered for this district as an accessory use to a commercial or industrial facility to maintain undeveloped or buffer areas. A determination shall be made that the proposed agricultural use shall have minimal impacts upon the existing development within close proximity to the proposed use.

#### **8.2 Use Regulations for the Commercial Manufacturing District**

##### **8.2.1 Permitted Uses**

- 8.2.1.1 Accessory Use or Structure (see supplemental regulations in Article 13);
- 8.2.1.2 Agricultural Business;
- 8.2.1.3 Bed and Breakfast Inn;
- 8.2.1.4 Body Piercing Shop/Parlor;
- 8.2.1.5 Communications Antennae and Equipment Buildings;
- 8.2.1.6 Communication Tower Height Less Than 100 ft. (see supplemental regulations in Article 14);
- 8.2.1.7 Crematory;
- 8.2.1.8 Essential Service (no zoning permit required);
- 8.2.1.9 Family Day Care Home (see supplemental regulations under Home Occupation in Article 14);
- 8.2.1.10 Financial Institution/Office;
- 8.2.1.11 Forestry Activities (no zoning permit required);
- 8.2.1.12 Home Occupation (see supplemental regulations in Article 14);
- 8.2.1.13 Laboratory;
- 8.2.1.14 Manufacturing;
- 8.2.1.15 No Impact Home Based Business;
- 8.2.1.16 Parking Lot or Parking Garage (see supplemental regulations in Article 13 for Off-Street Parking and Loading);
- 8.2.1.17 Printing, Commercial;



- 8.2.1.18 Professional Office;
- 8.2.1.19 Repair Business (see supplemental regulations for Automotive Repair Business in Article 14).
- 8.2.1.20 Restaurant;
- 8.2.1.21 Restaurant, Drive-Through;
- 8.2.1.22 Services, Business and Personal;
- 8.2.1.23 Self-Service Storage;
- 8.2.1.24 Tattoo Shop/Parlor;
- 8.2.1.25 Vape/Vapor Shop;
- 8.2.1.26 Warehousing; and
- 8.2.1.27 Wholesale.

## **8.2.2 Special Exception Uses {Reserved}**

### **8.2.3 Conditional Uses (criteria found in Article 14)**

- 8.2.3.1 Animal Hospital;
- 8.2.3.2 Impact Home Business;
- 8.2.3.3 Industrial Park;
- 8.2.3.4 Junkyard or Salvage Yard;
- 8.2.3.5 Medical Marijuana Grower/Processor;
- 8.2.3.6 Natural Gas Compressor Station;
- 8.2.3.7 Public or Quasi-Public Use, Public Service Facility;
- 8.2.3.8 Restaurant, Food Truck;
- 8.2.3.9 Retail with Drive-up/Drive-through facilities;
- 8.2.3.10 Retail requiring off-street parking;
- 8.2.3.11 Short-Term Rentals;
- 8.2.3.12 Trucking Terminal; and
- 8.2.3.13 Waste Storage or Processing Facility.

## **8.3 Height and Coverage Requirements**

**8.3.1 Maximum Building Coverage: 40% of lot area**

**8.3.2 Maximum Impervious Surface: 60% of lot area**

**8.3.3 Minimum Green Space: 40% of lot area**

**8.3.4 Maximum Building Height: 45 ft.**

## **ARTICLE 9**

### **Steep Slope Overlay District**

#### **9.1. Purposes of the Steep Slope Overlay District**

The purpose of this Article is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:

- Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
- Conserve existing woodlands for air and water quality benefits.
- Permit land uses by right that are compatible with protection of steep slope areas, and encourage the use of steep slope areas for open space and conservation uses.
- Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
- Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements.
- Protect adjoining properties from harmful consequences of development permitted under these requirements.

#### **9.2. Identification and Establishment of the Steep Slope Overlay District**

**9.2.1** The Steep Slope Overlay District (SSOD) is defined and established as those areas having slopes of 15% or greater as delineated on a map(s) prepared for the Borough.

**9.2.2** The boundaries shown on the SSOD is identified on the Official Zoning Map and may be supplemented or modified by examination of one or more of the following sources by the Borough whenever an application is submitted for review:

- Soil Survey of Tioga County, Pennsylvania, USDA Soil Conservation Service.
- Contour maps prepared from aerial photography.
- On-site survey prepared by a Registered Professional Engineer or Surveyor.

**9.2.3** The SSOD shall be further divided into the following two categories:

9.2.3.1 Slopes of 15% but less than 25%. Slopes of fifteen (15) percent or greater slope [e.g., sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal] when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent.

9.2.3.2 Slopes of 25% or more. Slopes of twenty-five (25) percent or greater slope [e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal] when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

- 9.2.4** The Borough Engineer shall decide whether or not the SSOD has been shown with sufficient accuracy on the applicant's plans. Based on the Borough Engineer's advice, the Borough may require applicants to revise the boundaries shown on the plans.
- 9.2.5** The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

### **9.3. General Provisions**

- 9.3.1** The SSOD shall be an overlay on all underlying zoning districts as depicted on the Zoning Map. For any lot or portion thereof lying within the SSOD, the regulations of the overlay district shall take precedence the regulations of the underlying district.
- 9.3.2** These regulations apply to lots where the proposed land disturbing activity is greater than 5,000 square feet.
- 9.3.3** All uses, activities and development occurring within any SSOD shall be under-taken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Borough codes and ordinances.
- 9.3.4** No building lot shall be created unless it contains at least one (1) acre of area with slopes less than 25%. If it is not feasible to provide this area in accordance with the setbacks required by the underlying district, the lot area shall be increased as necessary to provide a minimum area equal to one (1) acre of area with slopes less than 25%.
- 9.3.5** Finished slopes of all cuts and fills shall not exceed thirty three (33) percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Borough.
- 9.3.6** All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the Borough Engineer in order to prevent erosion.
- 9.3.7** Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Borough Engineer.
- 9.3.8** No retaining wall shall exceed the height prescribed in Section 13.3 of the Zoning Ordinance, and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes.
- 9.3.9** Any disturbance of steep slopes shall be completed within one construction season,

and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.

- 9.3.10** No trees with a diameter at breast height (DBH) of eight (8) inches or more shall be removed from steep slope areas unless in accord with an erosion and sedimentation control plan prepared by a certified engineer or forester.
- 9.3.11** The alignment of roads and driveways shall follow the natural topography, minimize re-grading and comply with design standards for maximum grades set forth in the Wellsboro Borough Subdivision and Land Development Ordinance.

#### **9.4. Permitted Uses and Development – Slopes between 15% and 25%**

- 9.4.1** Open space and conservation uses are permitted by right on steep slopes, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.
- 9.4.2** Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
- 9.4.3** Forestry and reforestation in accordance with an erosion and sedimentation control plan, a copy of which shall be filed with the Borough, and recognized natural resource, timbering and soil conservation best management practices for timber harvesting and site stabilization and retirement,, and as permitted by relevant municipal and state regulations and, as required, permits.
- 9.4.4** Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
- 9.4.5** Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
- 9.4.6** Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
- 9.4.7** Front, side, or rear yards, and required lot area for any underlying zoning district.
- 9.4.8** Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.

## **9.5. Specifically Prohibited Uses and Development – Slopes between 15% and 25%**

**9.5.1** Removal of topsoil except when related to an approved conditional use, and/or in accord with an approved erosions and sedimentation control plan.

**9.5.2** Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.

## **9.6. Conditional Uses and Development – Slopes between 15% and 25%**

The following uses and activities may be permitted by Conditional Use provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

**9.6.1** Structures, roads, driveways, parking areas, construction or other development.

**9.6.2** Clearing of vegetation or grading, including the addition of fill.

**9.6.3** Sealed public water supply wells with approval of the Pennsylvania Department of Environmental Protection.

**9.6.4** Sanitary or storm sewers and stormwater detention basins with the approval of the Borough Engineer and the Department of Environmental Protection.

**9.6.5** On-lot sewage disposal systems, when approved by the Borough Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

**9.6.6** Utility transmission lines and above ground utility line structures unless upon petition of a public utility corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the lines or structures in question is reasonably necessary for the convenience or welfare of the public.

**9.6.7** Extractive uses in accordance with recognized conservation practices and regulations of the state Department of Environmental Protection.

**9.6.8** Applications for conditional uses shall provide the following information and documentation:

**9.6.8.1** A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the SSOD boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations at no greater than 2-foot intervals, where feasible.

9.6.8.2 A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the Wellsboro Borough Subdivision and Land Development Ordinance, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.

## **9.7. Permitted Uses and Development – Slopes over 25%**

- 9.7.1 Open space and conservation uses are permitted by right on steep slopes, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.
- 9.7.2 Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
- 9.7.3 Forestry and reforestation in accordance with an erosion and sedimentation control plan, a copy of which shall be filed with the Borough, and recognized natural resource, timbering and soil conservation best management practices for timber harvesting and site stabilization and retirement,, and as permitted by relevant municipal and state regulations and, as required, permits.
- 9.7.4 Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
- 9.7.5 Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
- 9.7.6 Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
- 9.7.7 Front, side, or rear yards, and required lot area for any underlying zoning district.
- 9.7.8 Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.

## **9.8. Specifically Prohibited Uses and Development – Slopes over 25%**

- 9.8.1 Removal of topsoil.
- 9.8.2 Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.
- 9.8.3 Structures, roads, driveways, parking areas, construction or other development.
- 9.8.4 Clearing of vegetation or grading, including the addition of fill.

- 9.8.5** Sealed public water supply wells.
- 9.8.6** Sanitary or storm sewers and stormwater detention basins.
- 9.8.7.** On-lot sewage disposal systems.
- 9.8.8** Utility transmission lines and above ground utility line structures.
- 9.8.9** Extractive uses.

## **9.9. Conditional Use Standards and Criteria**

- 9.9.1** Where the potential for a Conditional Use is specifically provided for, in considering a conditional use application, the Borough Council shall consider the following:
  - 9.9.1.1 Relationship of the proposed use to the objectives set forth in Section 100.
  - 9.9.1.2 Adverse effects on abutting properties.
  - 9.9.1.3 The need for a woodland management plan on wooded steep slope areas.
  - 9.9.1.4 Proposed roads, driveways and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment for such facilities shall be so de-signed that hazardous conditions are not created.
  - 9.9.1.5 Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of Borough.
  - 9.9.1.6 Proposed on-lot sewage disposal facilities are properly designed and constructed in conformity with applicable regulations.
  - 9.9.1.7 Proposed non-agricultural displacement of soil is for purposes consistent with the intent of this Article and will be executed in a manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
  - 9.9.1.8 Surface runoff of water will not create unstable conditions, including erosion, and appropriate storm-water management facilities will be constructed as necessary.

## **ARTICLE 10**

### **Historic Overlay District**

#### **10.1. Purposes of the Historic Overlay District**

It is the purpose of the Historic Overlay District (HOD) to create, sustain, and promote the general welfare of residential properties, economic prosperity, and recreational pleasure of the public through the preservation and enhancement of those buildings, structures, places, landscapes, and areas that have historical, cultural, and architectural significance. Regulations within the HOD are intended to protect against the destruction of or encroachment upon such areas, structures, and places; to encourage uses which will lead to the continuance, conservation, and improvement of the Wellsboro National Register of Historic Places District in accordance with the following purposes:

- To maintain the historic and architectural integrity of the features and resources in the Wellsboro National Register Historic District.
- To preserve and improve the quality of life for residents of the district by protecting and preserving familiar visual elements and resources of the district;
- To promote tourism by protecting heritage, cultural, and architectural resources that are attractive to visitors of the district and hereby supporting local businesses;
- To maintain, enhance and expand the economic base of the community via well-planned and context sensitive development and redevelopment of land and buildings;
- To promote the upkeep and rehabilitation of significant older residential and commercial structures and encourage appropriate land-use planning and development what will enhance both the economic viability and historic character of the district; and
- To ensure that new development within the district is appropriate to the scale, usage, and reinforce the fabric of the district.

#### **10.2 Permitted Use Exclusions**

In the HOD, Permitted Uses in the underlying districts are Permitted Uses in the HOD with the exception of the following:

##### **10.2.1 Historic Residential Permitted Use Exclusions**

- 10.2.1.1 Communication Antennae and Equipment Building;
- 10.2.1.2 Communication Tower (100 ft. or less); and
- 10.2.1.3 Family Based Group Home.

##### **10.2.2 Central Business Permitted Use Exclusions**

- 10.2.2.1 Communication Antennae and Equipment Building;
- 10.2.2.2 Communication Tower (100 ft. or less);
- 10.2.2.3 Commercial establishments having drive-through facilities; and
- 10.2.2.4 Commercial establishments involved in providing tattoo, body piercing, and vape goods and services.



### **10.2.3 Hospital District Exclusions**

- 10.2.3.1 Communication Antennae and Equipment Building;
- 10.2.3.2 Communication Tower (100 ft. or less); and
- 10.2.3.3 Parking Lot/Parking Garage as a principal use.

### **10.2.4 Highway Commercial District Exclusions**

- 10.2.3.1 Communication Antennae and Equipment Building;
- 10.2.3.2 Communication Tower (100 ft. or less);
- 10.2.4.3 Commercial establishments having drive-through facilities;
- 10.2.4.4 Manufacturing, Warehousing and Laboratory;
- 10.2.3.5 Parking Lot/Parking Garage as a principal use; and
- 10.2.2.6 Commercial establishments involved in providing tattoo, body piercing, and vape goods and services.

## **10.3 Special Exception Use Exclusions {Reserved}**

### **10.4 Conditional Use Exclusions**

In the HOD, Conditional Uses in the underlying districts may be possible after review and action by the Borough Council with the exception of the following:

#### **10.4.1 Historic Residential Permitted Use Exclusions**

- 10.4.1.1 Group Care Facility; and
- 10.4.1.2 Parking Lot/Parking Garage as a principal use.

#### **10.4.2 Central Business Permitted Use Exclusions**

- 10.3.2.1 Commercial establishments involved in providing tattoo, body piercing, and vape goods and services;
- 10.4.2.2 Parking Lot/Parking Garage as a principal use; and
- 10.2.2.3 Restaurant, Drive-Through.

#### **10.4.3 Hospital District Exclusions {Reserved}**

#### **10.4.4 Highway Commercial District Exclusions**

- 10.4.4.1 Adult Entertainment;
- 10.4.4.2 Corrective/Penal Facility;
- 10.3.4.3 Medical Marijuana Dispensary;
- 10.4.4.4 Mobile Home Park;
- 10.3.4.5 Restaurant, Food Truck; and
- 10.4.4.6 Shopping Center.

## **10.5 Height and Coverage Requirements**

**10.5.1 Maximum Building Coverage: Same as underlying District**

**10.5.2 Maximum Impervious Surface: Same as underlying District**

**10.5.3 Minimum Green Space: Same as underlying District**

**10.5.4 Maximum Building Height: Same as underlying District**

## **10.6 Minimum Areas and Dimensions**

**10.6.1 Minimum Lot Area: Same as underlying District**

**10.6.2 Minimum Lot Width: Same as underlying District.**

### **10.6.3 Minimum Building Lines**

10.6.3.1 Front: 20 ft. or the average setback of the closest two adjacent existing structures, whichever is less.

10.6.3.2 Side: Same as underlying District

10.6.3.3 Rear: Same as underlying District

## **10.7 Special Design Considerations**

**10.7.1 Minimum number of floors per structure: 2**

**10.7.2 Front Façade: Front façade shall face fronting street**

**10.7.3 Roof Pitch: Same as underlying District**

**10.7.4 Parking area/lot for commercial, office and other approved non-residential uses and for multi-family dwellings: Located in rear yard**

### **10.7.5 Specific Signage Exclusions**

- 10.7.5.1      Animated
- 10.7.5.2      Changeable Copy
- 10.7.5.3      Digital Display
- 10.7.5.4      Feather/Swooper Flags
- 10.7.5.5      Flashing
- 10.7.5.6      Marquee
- 10.7.5.7      Mechanical Movement
- 10.7.5.8      Message Center
- 10.7.5.9      Off-Premises/Billboard
- 10.7.5.10     Tri-Vision Boards

## **ARTICLE 11**

### **Sign Regulations**

#### **11.1 Purposes of the Sign Regulations**

It is the purpose of these provisions to place strict 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.

- 11.1.1** The regulations of this Ordinance relating to signs shall be strictly construed. In addition to the sign specifically prohibited, 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.
- 11.1.2** It is the intent of these provisions that the signs listed in Section 11.2 shall be exempt from permitting requirements. Such signs are generally for public service purposes or are temporary or minor in nature.
- 11.1.3** Regulated signs, which are not exempt from permitting requirements, shall comply with the standards of Sections of Regulated Signs.
- 11.1.4** Additional sign requirements shall apply to signs erected in the Borough of Wellsboro Historic Overlay District to insure that new signs are harmonious with the general character of the historic district and the architecture of its important buildings.

#### **11.2 Exempt Signs - No Permit Required**

The following sign types do not require a permit or license and shall not be counted toward the maximum sign area.

- 11.2.1** Any sign which is less than two (2) square feet in area, or a sign for a home occupation or home business which shall not exceed four (4) square feet in area.
- 11.2.2** Public Service or Highway Sign - is a sign located for the purpose of providing traffic safety or information, a public service message or directions towards or indication of a use not readily visible from a public street (e.g. traffic signs, rest rooms, telephone, parking, office, service bay, shopping district, no trespassing, no fishing etc.). Such signs may bear no commercial advertising and shall not exceed nine (9) square feet. Civic organization sponsored public service signs shall not be considered commercial advertising.
- 11.2.3** "For Sale" or "For Rent" Signs - A sign advertising a property being sold or rented which shall not exceed eight (8) square feet in size and shall be removed within 10 days of the sale or rental of the premises. A maximum of two (2) such signs may be maintained for the property being sold or rented.
- 11.2.4** Memorial signs or tablets and signs denoting the date of erection of buildings which shall not exceed four (4) square feet in total area.
- 11.2.5** Temporary, Non-Permanent Signs, placed so as not to impede the normal flow of pedestrian or vehicle traffic, nor shall such signs impede the line of sight of or cover any existing business sign and traffic sign or any entrance or exit to any property or business.
- 11.2.6** Devices relaying information to the general public (i.e. time, temperature, etc.)

**11.2.7** Construction Signs - which shall not exceed thirty-two (32) square feet, may identify those involved in design, development, construction, demolition or financing, when displayed during the activity described. The sign shall be removed when the project activity has ceased. Only one such sign per property is allowed.

**11.2.8** Signs mounted on interior walls.

### **11.3 Sign Descriptions/Definitions**

The following specific uses and definitions apply to signs regulated by this Article:

- Abandoned: A sign which has not identified or advertised a current and/or operational business, service, owner, product or activity for a period of at least 365 calendar days.
- Address/Name Plate: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service, less than 2 square feet. The Address/Name Plate sign does not require a permit.
- Animated: A sign depicting action, motion, or light or color changes through electrical or mechanical means.
- Awning: A sign painted on or attached to a removable frame, of the hinged, rolled or folding type, that may have a covering, either combustible or noncombustible.
- Balloon: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.
- Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.
- Blade: A type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.
- Business Directory: A sign stating the name(s) of a business located off-premises.
- Canopy: Any sign that is part of, or attached to a canopy.
- Changeable Copy: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.
- Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.
- Flashing: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.
- Feather/Swooper Flags/Signs: A sign typically of 10' – 20' ft. in height, composed of lightweight fabric on a structure, which may be of the “flutter” or “windless” variety.
- Free-standing Permanent: Any non-movable sign not affixed to a building.
- Home Business: A sign identifying an approved and legal home occupation, not exceeding 4 square feet.
- Home Occupation: A sign identifying an approved and legal home occupation, not exceeding 4 square feet.

- Inflatable: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.
- Interactive: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers, officially used by the Wellsboro Police Department (WPD) for speed control.
- Manual Changeable Copy: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.
- Marquee: A sign painted on, attached to, or consisting of an interchangeable copyreader, on the face of a building, or as part of a freestanding sign.
- Mechanical Movement: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
- Message Center: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gasoline price display, time, temperature, special notifications associated with premises, etc., not exceeding 50% of the sign area.
- Multi-Tenant: A directory, on or off premises, used to identify specific enterprises that are located within a multiple-tenant commercial, industrial, business or office center.
- Non-Permanent: A sign displaying a message that is temporary in nature and relates to a specific event or occurrence, which is not intended for permanent installation. Examples of non-permanent signs include a banner advertising a sale or promotion at a retail establishment, or a lawn sign promoting a particular candidate for an election. There are two (2) types of non-Permanent signs:
  - Limited Duration Signs are a type of non-permanent sign that can be displayed on private property for greater than 30 days, but are not intended to be displayed for an indefinite period. Limited duration signs require a sign permit, which is valid for up to one year, and can be renewed annually.
  - Temporary Signs are a type of non-permanent sign that can be displayed on private property for not more than 30 consecutive days, up to twice per calendar year. Temporary signs do not require a permit.

Both limited duration and temporary signs are restricted according to the type of the sign, with permanent and non-permanent wall/window signs together covering no more than 20% of the wall or window surface in the CB District, non-permanent wall/window signs covering no more than 20% of the wall or window surface in other districts where permitted, and sandwich board/sidewalk signs not exceeding 4 ft. in height and 2 ft. in width.

- Off-Premises/Billboard: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises or land on which the sign is located.
- On-Premises: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured or to an entertainment event offered on the premises where the sign is located.
- Permanent: A sign attached or affixed to a building, window, or structure, or to the

ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

- **Portable:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
- **Projecting:** A sign other than a wall sign that is attached to and projects from a face or wall of a building, or from a structure whose primary purpose is other than the support of the sign.
- **Roof:** A building-mounted sign erected upon, against, or over the roof of a building.
- **Sandwich Board/Sidewalk:** A portable sign having changeable letters or sign face that may have up to two (2) sign areas for temporary placement on a sidewalk or other frontage.
- **Snipe:** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.
- **Tri-Vision Boards:** An outdoor sign unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.
- **Vehicular:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
- **Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and does not project more than ten (10) inches from such building or structure.
- **Window:** A sign affixed to the surface of a window, or within the display area of a window, with its message intended to be visible to and readable from the public right-of-way, and/or from adjacent properties.

#### **11.4 Signs and Zoning District Interface**

The Table below summarizes the potential eligibility of the above sign types in each of the Zoning Districts, subject to further restrictions and guidance in this Article. The CODE used for this description is as follows:

- **P-Permitted**
- **NP- Not Permitted**
- **T- Permitted as Temporary Sign**

Type	Permitted in Zoning Districts								Prohibited All Districts
	RR	RT	HR	CB	H	HC	C/M	HOD	
Abandoned									NP
Address/Name Plate	P	P	P	P	P	P	P	P	
Animated									NP
Awning	NP	NP	P	P	P	P	P	NP	
Awning, Backlit	NP	NP	NP	NP	NP	P	P	NP	
Balloon	NP	NP	NP	NP	NP	T	T	NP	
Banner	NP	NP	NP	P	P	P	P	P	
Business Directory	P	P	P	P	P	P	P	P	
Canopy	NP	NP	NP	NP	NA	P	P	NP	
Changeable Copy	NP	NP	NP	P	P	P	P	NP	
Digital Display	NP	NP	NP	P	P	P	P	NP	
Façade	NP	NP	NP	P	P	P	P	P	
Feather/Swooper									NP
Flashing									NP
Free-standing Permanent	P	P	P	P	P	P	P	P	
Home Business	P	P	P	NP	NP	P	P	P	
Home Occupation	P	P	P	P	NP	P	P	P	
Inflatable	NP	NP	NP	NP	NP	T	T	NP	
Interactive (WPD only)	P	P	P	P	P	P	P	P	
Manual Changeable Copy	NP	NP	NP	P	NP	P	P	NP	
Marquee	NP	NP	NP	P	P	P	P	NP	
Mechanical Movement									NP
Message Center	NP	NP	NP	P	P	P	P	NP	
Multi-Tenant	NP	NP	NP	P	P	P	P	P	
Non-Permanent									
Limited Duration Signs	NP	NP	NP	P	P	P	P	P	
Temporary Signs	T	T	T	T	T	T	T	T	
Off-Premises/Billboard (other than Business Directory)									NP
Message Center	NP	NP	NP	P	P	P	P	NP	
Portable, as Permanent									NP
Projecting/Blade	NP	NP	NP	P	P	P	P	P	
Roof									NP
Sandwich Board /Sidewalk	NP	NP	NP	P	P	P	P	P	
Snipe									NP
Tri-Vision Boards	NP	NP	NP	NP	NP	P	P	NP	
Vehicular									NP
Wall	NP	NP	NP	P	P	P	P	P	
Window	P	NP	NP	P	P	P	P	P	



## **11.5 Regulated Signs - Zoning (Sign) Permit Required**

### **11.5.1 Maximum Sign Area for Regulated Signs**

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 two (2) square feet for each lineal foot of building face parallel or substantial parallel to a street line. See Article 1 for definition of Sign Area.

- 11.5.1.1 Where a lot fronts on more than one street the sign area allowed for the smaller building face shall be allowed for each frontage.
- 11.5.1.2 A lot without a building situated thereon shall be entitled to a maximum sign area of 50 sq. ft.
- 11.5.1.3 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 below shall be met.
- 11.5.1.4 Maximum Sign Area for Shopping Centers Not Facing a Public Street Plaza - The building front facing parallel to the parking lot rather than the street line shall be utilized to calculate the maximum sign area for any shopping center with store fronts facing an interior parking lot rather than a public street.

### **11.5.2 Standards for Regulated Signs**

- 11.5.2.1 Awning Sign RH/CB/HC/H/CM Districts – is 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 in combustible.
  - 11.5.2.1.1 Awning signs may be placed anywhere on a structure where such awning has a ground clearance of ten (10) feet and extends no more than five feet from the building façade.
  - 11.5.2.1.2 No back lit, flat metal or wood canopies will be permitted.
  - 11.5.2.1.3 Lettering is to be restricted to the name of the business, secondary description, address and phone number. Lettering will be restricted to no more than 9 inches in height.
  - 11.5.2.1.4 Any logo or graphic design will not exceed 20% of the awning surface (see Illustration III).
- 11.5.2.2 Business Directory Sign - is a sign stating the name(s) of a business located off premises.
  - 11.5.2.2.1 The maximum sign area regardless of the number of business listed on the sign shall be one hundred twenty (120) square feet for the CB/HC/CM districts and sixteen (16) square feet for all other districts.
  - 11.5.2.2.2 Such signs are not included in computing total sign area allowed.
  - 11.5.2.2.3 Such signs shall not be located upon a public right-of-way.
- 11.5.2.3 Free Standing Sign - is a self-supporting sign in a fixed location and not attached to any building or structure.
  - 11.5.2.3.1 Such sign shall have no more than two (2) faces.
  - 11.5.2.3.2 HC/CM Districts: Free standing signs shall not exceed 30 feet in height or 100 square feet in area for each face and may be internally lighted.

- 11.5.2.3.3 Hospital District: The area of each sign face shall not exceed thirty-six (36) square feet. Internal lighting is permitted.
- 11.5.2.3.4 RR/RT/RH/CB Districts: The area of each sign face shall not exceed twelve (12) square feet, unless a sign for a church, school or government use which shall not exceed thirty-six (36) square feet. There shall be no internal lighting of the sign.
- 11.5.2.3.5 There must be no exposed connecting wires.
- 11.5.2.3.6 Such signs shall be erected so as not to obstruct free egress to or from any building, or public right-of-way. Such signs shall not be located upon a public right-of-way.
- 11.5.2.4 Projecting Sign – CB/HC/H/CM Districts - a permanent sign that is hung at a 90 degree angle from the face of and affixed to a building or structure and extends twelve (12) inches or beyond the building wall, structure or parts thereof.
  - 11.5.2.4.1 Each face shall not exceed twelve (12) square feet.
  - 11.5.2.4.2 Such sign must be hung at right angles, and shall not project beyond four (4) feet of the building face.
  - 11.5.2.4.3 The bottom of said sign shall have an eight (8) foot pedestrian clearance from sidewalk level.
  - 11.5.2.4.4 Banners will be considered as a projecting sign and follow the same restriction. Banners hung across the street are prohibited.
- 11.5.2.5 Flat Facade Sign - CB District - is a sign which is attached parallel on the exterior surface of a building or structure.
  - 11.5.2.5.1 Flat façade signs placed flush with the building, will be placed below the second floor or lower window sill of a second story window and be no larger than 25% of the first floor façade square footage (see Illustration I). Square footage is measured by multiplying the width of the storefront by the height, as determined by the distance of the lower second floor window sill to the sidewalk.
  - 11.5.2.5.2 A maximum of one flat, per business, per building will be permitted. Where a building's side façade faces a side street, rear alley or parking lot, a maximum of one flat sign per façade will be permitted.
  - 11.5.2.5.3 Flat signs or signboards will have a maximum height of 4 feet with sign letters being no larger than 24 inches in height.
  - 11.5.2.5.4 Sign lettering will be restricted to the name of the business, one secondary description, address and phone number.
  - 11.5.2.5.5 Where two or more businesses occupy one building, on the street level, the overall sign area for all signs shall be no larger than 25% of the first floor façade square footage.
  - 11.5.2.5.6 Signs representing businesses on any of the upper floors shall be limited to one sign per business with each sign being no larger than 10% of the overall square footage of the upper building façade of which it is a part.

- 11.5.2.6 Wall Sign – CB District – Wall signs, wall murals or wall painted signs shall occupy no more than 20% of the wall area or façade of which they are a part and may not exceed an area of 120 square feet.
- 11.5.2.7 Wall Sign - HC/H/CM Districts - is a sign which is attached parallel on the exterior surface of a building or structure
  - 11.5.2.6.1 A wall sign shall not project more than fifteen (15) inches from the building surface.
  - 11.5.2.6.2 The sign shall not obscure architectural features of the building (including but not limited to cornices, lintels, transoms) to which the sign is attached.
  - 11.5.2.6.3 Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- 11.5.2.8 Window Sign - CB/HC/H/CM Districts – is a permanent non-illuminated sign painted on the inside or outside glass of a window.
  - 11.5.2.7.1 Window signs on windows shall occupy no more than 20% of window area and letters no larger than 8 inches in height.
  - 11.5.2.7.2 A maximum of three signs will be allowed for any one business.
  - 11.5.2.7.3 Neon signs are permitted only within a store interior and are restricted to the same size limitation of window signs.

## **11.6 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.

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

- 11.7.1 Illuminated signs are permitted as long as the external light sources are aimed at the sign they are illuminating and not positioned in such a manner so as to shine onto the adjoining property or into the eyes of a passing pedestrian or motorist.
- 11.7.2 Internally lit signs are not permitted except in the case of free standing and wall mounted signs in HC or CM Districts, provided they are restricted under the Wellsboro Historic District Ordinance.
- 11.7.3 There must be no exposed connecting wires.

- 11.8 Setback Requirements** - unless otherwise specified in this Ordinance, signs are exempt from setback requirements.
- 11.9 Supports and Brackets** - for a sign shall not exceed needlessly above the cornice line of the building to which the sign is attached.
- 11.10 Prohibited Signs** – In addition to and/or as further description of signs specifically prohibited in one or more of the zoning districts as per Section 11.4, the following are also prohibited:
- 11.10.1 Portable or moveable signs other than as temporary signs.
  - 11.10.2 Signs carried or worn by pedestrians, unless for special occasions
  - 11.10.3 Any sign which flashes or blinks on and off or contains moving lights or which is otherwise illuminated on an intermittent basis.
  - 11.10.4 Any neon sign other than a window sign.
  - 11.10.5 Any backlight awning which has lettering on it in the CB District.
  - 11.10.6 Any sign mounted on the roof top of a building.
  - 11.10.7 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.
  - 11.10.8 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.
  - 11.10.9 Any sign or sign structure which:
    - 11.10.9.1 Is structurally unsafe;
    - 11.10.9.2 Constitutes a hazard to safety or health by reason of inadequate maintenance, fading of paint, dilapidation or abandonment;
    - 11.10.9.3 Is not kept in good repair, or;
    - 11.10.9.4 Is capable of causing electrical shocks to persons likely to come in contact with it.
  - 11.10.10 Signs which make use of words phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
  - 11.10.11 String lights used in connection with commercial premises for commercial purposes other than Christmas decorations.
  - 11.10.12 Spinners and streamers.

- 11.10.13 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.
- 11.10.14 Any sign affixed to a fence, utility pole or utility structure, or tree, shrub, rock or other natural objects.
- 11.10.15 Off premise signs unless a Business Directory Sign (see Section 11.5.2.2).
- 11.10.16 Signs which depict nudity or sexual conduct.
- 11.10.17 Feather/Swooper Flags/Signs.
- 11.10.18 Permanent and Non-Permanent signs on grassy median strips or gaslights on the Boulevards.

#### **11.11 Variance**

An application for variance to any sign regulation may be filed with the Zoning Hearing Board as allowed in Article 15 of this Ordinance.

#### **11.12 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 may remove the sign and keep possession of same until the owner pays the cost of removal.

## **ARTICLE 12**

### **Floodplain Management Provisions**

#### **12.1 Identification of Floodplain Area**

The identified floodplain area shall be any areas of the Borough of Wellsboro classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

#### **12.2 Description of Floodplain Area**

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM
  - 1. Any encroachments whatsoever that would cause any increase in flood height shall be prohibited unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - 2. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE AREA/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  - I. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
  - 2. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
    - a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any

watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

- b. In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the base flood elevation (BFE) by more than one (1) foot.
- C. The A Area/District the areas identified as Zone A on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas elevation and floodway information from other Federal, State, or other applicable sources shall be used when available. Where other acceptable information is not available the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the Borough of Wellsboro may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- D. Community Identified Flood Hazard Areas shall be those areas where the Borough of Wellsboro has identified local flood hazard or ponding areas as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study.

### **12.3 Changes in Identification of Area**

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Borough shall notify the FEMA of the changes by submitting technical or scientific data.

### **12.4 Boundary Disputes**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Wellsboro, and any party aggrieved by this decision or determination may appeal to the Borough Council. The burden of proof shall be on the appellant.

## **12.5 Jurisdictional Boundary Changes**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Borough Council shall review flood hazard data affecting the lands subject to boundary changes. The Borough shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

## **12.6 Coordination with Other Ordinances and Regulations**

Development, construction, rehabilitation and other activities in SFHAs in the FIS are subject to regulations related to Technical Provisions, Activities Requiring Special Permits, Existing Structures in Identified Floodplain Areas, Variances and Definitions in Ordinance No. 679 as enacted on May 11, 2015, as subsequently amended.



## **ARTICLE 13**

### **Supplemental Lot Regulations**

#### **13.1 Access To Structures**

**13.1.1** 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 Borough Council in accord with the Borough's 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.

**13.1.2** Ingress and egress from buildings shall be placed in relation to the finished entrance floor levels and the natural terrain and in a safe manner that will minimize concentration of traffic.

**13.1.3** Pedestrian access to public buildings, open space and parking facilities shall include considerations for disabled and handicapped persons.

#### **13.2 Conversion or Replacement of Buildings**

**13.2.1** 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.

#### **13.3 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:

##### **13.3.1 Fences**

No person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence in the Borough, unless a permit is secured therefore. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence. The Borough of Wellsboro does not mediate disagreements between owners of private property

13.3.1.1 A finished side of all fences shall face off site.

13.3.1.2 Vinyl, wood and wrought iron are approved fencing materials.

13.3.1.3 No fence shall be constructed which exceeds any of the following height limitations:

- 13.3.1.3.1 Forty-eight inches in front of the building line applicable to the subject property.
- 13.3.1.3.2 Seventy-two inches behind the front building line applicable to the subject property, except as otherwise provided in subsection(c) below;
- 13.3.1.3.3 Forty-eight inches wherever the fence shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street.
- 13.3.1.4 Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In addition, no person shall use rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials.
- 13.3.1.5 It is the intent of this subsection to restrict metal fencing, except wrought iron type fencing, in the front yard of any residential district. In zoning districts other than residential, such fencing shall not be permitted, unless a variance request is made to the Wellsboro Borough Council. Any approved fence made of a metal fabric or which is partially made of any metal fabric shall be galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least eleven gauge or heavier.
- 13.3.1.6 All fences shall be maintained in a sturdy and good condition. Fences that become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed.
- 13.3.1.7 Privacy screens may be erected, constructed, or reconstructed to a maximum height of eight feet when set back from a side or rear property line a distance equal to the minimum side yard setback required for the dwelling pursuant to Articles 2, 3, and 4 in the Wellsboro Zoning Ordinance, as amended.
- 13.3.1.8 Any property owner or tenant desiring to erect a fence or maintain a fence that does not conform to the provisions of this Ordinance may submit an application to the Wellsboro Borough Council and such application will be heard at a public hearing of the Borough Council, in accordance with Article 15. Upon appeal

in writing by the owner or owners agent of any property, the Borough Council of the Borough of Wellsboro, after notice and a hearing in accordance with the established procedure of the Borough Council, may in its sound discretion and in the interests of the public health, safety, and welfare, reduce or remit the requirements of this ordinance in individual cases. The Board may not permit a kind of fence that is prohibited by this ordinance.

- 13.3.1.9 The following shall apply to proximity of fences to lot and curb lines:
  - 13.3.1.9.1 All fences shall be set back a minimum of six (6) inches from all front yard property lines and/or sidewalks.
  - 13.3.1.9.2 A front yard fence shall be no less than 50% open to light and air.
  - 13.3.1.9.3 All fences shall be set back a minimum of twenty-four (24) inches from all side and rear yard property lines.
  - 13.3.1.9.4 A non-agricultural fence may be erected on the property line if the written permission of the neighboring property owner is granted; this proof of permission to be registered with the Fence Permit Application and retained on file at the Borough Office.
- 13.3.1.10 Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.
  - 13.3.1.10.1 Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.
  - 13.3.1.10.2 Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost.
  - 13.3.1.10.3 No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
  - 13.3.1.10.4 Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

- 13.3.1.11 The fee for a permit for construction, installation, addition or alteration of any fence shall be \$25.00 or as established from time to time by the Borough Council of the Borough of Wellsboro.

### **13.3.2 Detached Accessory Structures**

A detached garage, greenhouse, storage, utility building or other accessory structures may be maintained accessory to a dwelling or other use. It shall not exceed the Maximum Building Height allowed for the District and no portion of the accessory structure shall not be located in front of the principal building. The door opening for a garage or storage building shall not exceed 15 ft. in height. Accessory structures shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than three (3) feet in the RT or HR Districts or eight (8) feet in any other district from a side or rear property line. A single storage building 100 sq. 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 100 sq. ft. of area.

### **13.3.3 Swimming Pools**

- 13.3.3.1 A swimming pool is a below or above grade level, open container with a water depth of twenty-four (24) or more inches. Swimming pools shall not include wading pools under 2 feet in depth, fish ponds, hot tubs or other similar items.
- 13.3.3.2 The swimming pool shall be located only to the rear or side of the principal building. It shall be located no closer than fifteen (15) feet to the side or rear lot lines, and no closer than twenty-five (25) feet to the front lot line.
- 13.3.3.3 In-the- ground pools shall have a four (4) foot high continuous, child-proof barrier with self-closing and self-latching gate. The barrier must meet the following standards:
- 13.3.3.3.1 Capable of withstanding a lateral force of 100 pounds;
  - 13.3.3.3.2 No opening other than gates, in excess of four (4) inches;
  - 13.3.3.3.3 If wooden, cover boards shall be vertical;
  - 13.3.3.3.4 Metal fences shall have a lattice no larger than two (2) inches;
  - 13.3.3.3.5 Pool walls may be a barrier if un-climbable and if any access to the pool is protected by a barrier.
- 13.3.3.4 Above-the-ground pools that are four (4) feet or higher need not have a barrier, provided, that the sides of the pool are not climbable and that a

ladder is not used to enter or exit the pool. If the sides of the pool are climbable or a ladder, stair, steps or similar type structure is used to enter or exit the pool, a barrier of the type described for in-the-ground pools (Section 13.3.3.3) is required.

- 13.3.3.5 No permit shall be required for above-grade level pools with a total water surface area of less than 300 square feet. However, all pools must be located in the side or rear yard of any lot.

**13.3.4 Private Tennis Courts:** Private tennis courts shall be permitted within required side or rear yard areas provided that such facility shall not be less than ten (10) feet from side or rear property lines.

**13.3.5 Sidewalks and Driveways:** Sidewalks and driveways shall be permitted within front, rear, and side yards.

**13.3.6 Pump Canopies:** Canopies used to protect pump islands at gas stations or convenience marts shall be permitted in any yard provided that a 10 ft. minimum building setback line is maintained and the height of the canopy shall not exceed 18 ft.

**13.3.7 Keeping of Animals:** The keeping of animals, when not part of an agricultural operation, shall be regulated under Borough Ordinance 553 (Chapter 2 of Code of Ordinances).

**13.4 Driveways and Access Drives to Street** – see Borough of Wellsboro Driveway Permit Regulations

### **13.5 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, storage silos, utility poles, standards, and necessary mechanical appurtenances usually carried above roof level. The height exceptions shall not apply to any Communications Antennae and Communication Towers.

### **13.6 Intersection Visibility**

Depending upon the street classifications for the intersecting streets, a clear site triangle is drawn as measured along the centerline from the point of intersection. 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.

	Arterial	Collector	Minor
Arterial	150 feet	100 feet	100 feet
Collector	100 feet	75 feet	75 feet
Minor	100 feet	75 feet	75 feet

### **13.7 Manufactured Home (Mobile Home) Placement**

All manufactured or mobile homes erected or replaced in the Borough after the effective date of this Ordinance shall comply with the following criteria in order to protect the health, safety, and welfare of the Borough residents. A manufactured or mobile home shall only be placed in a manufactured home park and in accord with the following criteria.

**13.7.1** Every manufactured or mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized.

**13.7.1.1** Permanent Foundation: Shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundation, except for windows or other openings as might be necessary for purposes such as floodproofing. The mobile home shall be securely attached to such a foundation.

**13.7.1.2** Stand or pad: Shall consist of a properly graded, placed and compacted material equal to the length and width of the mobile home. The pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer at least 16 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.

**13.7.2** The mobile home shall be anchored to prevent floatation, collapse, or lateral movement in accordance with the manufacturer's instructions.

**13.7.3** Each manufactured or mobile home shall have a continuous wall around its entire perimeter. The continuous wall may be of concrete or masonry constructed to below the frost line (e.g. permanent foundation) or skirting. Skirting shall be designed to complement the appearance of the mobile home including material which has been fabricated for the specific purpose of providing a pervious moisture resistant skirting material, and shall not include bales of straw, hay, interior plywood, unfinished wood, or like material.

**13.7.4** Access to a crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.

### **13.8 Nonconforming Lots, Structures, Buildings, and Uses**

Any nonconforming lot, building, structure or use legally existing at the time of adoption of this Ordinance, or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued, or abandoned.

### **13.8.1 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 yards shall apply. The variance of yard requirements shall be obtained only through action of the Borough Council.

If two or more adjacent lots with common ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this Ordinance, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this Ordinance.

### **13.8.2 Abandonment**

If any nonconforming use or building or structure occupied by a nonconforming use is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District regulations. A nonconforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

A one (1) year extension may be granted by the zoning officer provided that the owner shall file a notice of intent to reconstruct or reoccupy prior to the expiration of the initial one year period (see Zoning Officer for sample request).

### **13.8.3 Repairs and Reconstruction**

**13.8.3.1** Repairs, non-structural alterations, and other general maintenance may be made to a nonconforming building or structure or a building or structure occupied by a nonconforming use, but such repairs shall be subject to all applicable Zoning and Building Code requirements.

**13.8.3.2** A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:

**13.8.3.2.1** The reconstruction starts within one (1) year of the damage;

**13.8.3.2.2** The reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Borough Council;

**13.8.3.2.3** The location of the reconstruction does not create a safety hazard;

**13.8.3.2.4** The reconstruction of a nonconformity located in the 100 year floodplain shall comply with Section 12.8 of this Ordinance.

#### **13.8.4 Extension or Enlargement**

- 13.8.4.1** A nonconforming use of a building or structure may be extended throughout the interior of the building provided that no structural alterations are made thereto. Prior to initiation of such extension however, a Zoning Permit shall be obtained from the Zoning Officer.
- 13.8.4.2** Structural alteration proposed to extend a nonconforming use may be authorized by the Borough Council provided that:
  - 13.8.4.2.1** The extensions or enlargements shall conform to the yard, height, off-street parking, coverage, and other requirements of the zoning district in which the use or structure is located.
  - 13.8.4.2.2** Extensions or enlargements shall not exceed fifty percent (50%) of the gross floor area of the structure or use at such time that the use became nonconforming.
- 13.8.4.3** For nonconforming uses whose normal operations involve natural expansion (i.e. quarries, junk yards, cemeteries, etc.), an expansion not exceeding 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance may be authorized by the Borough Council.
- 13.8.4.4** A nonconforming use shall not be extended to displace a conforming use, unless authorized by Borough Council as a Conditional Use.
- 13.8.4.5** Any nonconforming building or structure or building or structure occupied by a nonconforming use which is moved for any reason must meet all requirements of the district in which it is located.

#### **13.8.5 Change of Use**

- 13.8.5.1** Any non-conforming use may be changed to another non-conforming use by Special Exception 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.
- 13.8.5.2** A non-conforming use that is replaced by a permitted use shall not be allowed to revert to any non-conforming use.

#### **13.8.6 Voluntary Registration of Non-Conforming Lots, Structures, Buildings and Uses**

The owner of record may formally notify the Zoning Officer in writing, documenting a nonconforming lot, structure, building or use, as of the effective day of this ordinance.



## **13.9 Off-Street Parking and Loading**

Except for lots in the Central Business District, off-street parking shall be provided in accord with the requirements of this section at the time a new building or use is established or when any existing building or lot is converted to a new use or expanded in size. The facilities shall be available during the entire hours of operation of the use for which they are provided.

### **13.9.1 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.

- 13.9.1.1** 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 or nearby lot owned or controlled by the applicant (see Section 13.9.1.9), or that shared parking facilities are provided in accord with Section 13.9.1.10;
- 13.9.1.2** Adequate provisions shall be made for ingress and egress to all parking spaces using driveways and aisles within the parking lot. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over public walkways or right-of-ways, except that single family and double dwellings need not comply with this requirement;
- 13.9.1.3** 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, except that single family and double dwellings need not comply with this requirement. These reserve strips shall be protected by wheel bumpers or curbs and shall be planted with grass or shrubs. No parking or plantings shall be permitted within the clear sight triangle of any intersection (see Section 13.6);
- 13.9.1.4** The parking area shall be constructed of a stabilized base with a suitable all weather surface, be graded for proper drainage, and maintained in good repair. If more than five (5) spaces are to be provided in a parking area, the surface of the parking area shall be considered as impervious for the purposes of preparing a storm water management plan for the site.
- 13.9.1.5** Parking spaces shall have dimensions of ten feet by twenty feet (10' x 20'), however lots of eight (8) spaces or more may designate a limited number of compact spaces (8' x 16'); parallel spaces shall be a minimum of nine feet by twenty-one feet (9' x 21');
- 13.9.1.6** Parking areas for all non-residential uses shall be effectively screened on each side that adjoins or faces a Residential District or use. Such

screening shall consist of a fence or wall at least four (4) feet in height, a building or meet the requirements for screen planting as set forth in Section 13.11 of this Ordinance;

- 13.9.1.7** 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;
- 13.9.1.8** Parking areas shall be illuminated as is necessary to protect the public safety; such illumination shall be designed, directed, or shielded to effectively eliminate direct glare on adjacent property or roadways.
- 13.9.1.9** In accordance with Conditional Use procedures Borough Council may authorize the use of an adjacent or nearby lot owned or controlled by the applicant.
- 13.9.1.10** The required parking spaces for two or more uses may be shared provided that Borough Council shall determine that the uses have distinct and different peak hour requirements; for example a use with evening or Sunday hours may share parking with a use that has daytime hours.

#### **13.9.2 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 table on the following three (3) pages. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Borough Council, shall apply. In the case of mixed uses or multiple uses of one structure, the total number of required parking or loading spaces shall be the sum of the required spaces for the uses computed separately.

## SCHEDULE FOR OFF-STREET PARKING SPACES

TYPE OF USE	REQUIRED SPACES - MINIMUM
<b>Residential Uses</b>	
Single Family, Two Family, Townhouse including Family Based Group Home	2 per dwelling unit
Multiple Family Dwelling	2 per dwelling unit; 1 for each dwelling unit for Senior housing
Mobile Home Parks	2 for mobile home lot
<b>Institutional Uses</b>	
Corrective/Penal Institution	1 for each 5 persons of total facility capacity + 1 for each employee on the maximum work shift
Day Care Center	1 for each 5 students/clients + 1 for each employee
Family Day Care Home	2 for dwelling unit + 2 customer spaces
Group Care Facility	1 for each 2 residents + 1 for each employee on the maximum work shift
Nursing Home or Retirement Home	1 for each 2 beds + 1 for each employee on the maximum work shift
Elementary Schools	5 for each classroom + 1 for each employee
Middle or High School, Post Secondary Facility	1 for each 4 seats of auditorium or gymnasium capacity, whichever is greater
Churches, Social Halls, and similar places of public or private assembly; government, municipal or community buildings	1 for each 3 seats of total facility capacity
Libraries, museums or other cultural facilities; fire or police stations	1 for each 300 sq. ft. of gross floor area
Hospitals or health care facilities	1 for each 2 beds + 1 for each employee in the maximum work shift

<b>Commercial/Retail Uses</b>	
Convenience Stores	1 for every 200 sq. ft. of gross floor area, except 50% of the parking provided at pump islands may be credited toward meeting parking requirements.
Automobile, Vehicle, Mobile Home, Machinery/Parts Sales	1 for every 800 sq. ft. of gross floor area
Building Materials, Furniture, Hardware and Plant Nursery Stores	1 for every 300 sq. ft. of gross floor area, plus 1 space for each 1,000 sq. ft. of outdoor sales area
Shopping Centers	1 for every 200 sq. ft. of gross floor area, with up to 20% allowed for parking requirements for restaurants, theaters, fitness centers and office uses located therein
Retail stores or service or repair business, not otherwise classified	1 for each 300 sq. ft. of gross floor area + 1 for each employee/vendor on the maximum work shift
Restaurant	1 for every 3 seats for patron use, plus 1 per employee per shift
Restaurant, Drive-Through	1 for every 50 sq. ft. of gross floor area, plus 1 for each employee per shift, plus a 3-space reservoir for each drive-through window
Restaurant, Food Truck	1 off-street space for the truck/vehicle, plus availability of 1 for any table provided or if no tables provided 4 per truck/vehicle
Self-service storage	1 for every 2,000 sq. ft. of gross floor area
Supermarkets and Food Stores	1 for every 200 sq. ft. of gross floor area used for sales purposes
Animal Hospital or kennel	1 for each 300 sq. ft. of gross floor area + 1 for each employee on the maximum work shift
Business or professional office & financial institutions	1 for each 300 sq. ft. of gross floor area + 1 for each employee
Medical, dental or veterinary office	5 for each medical office + 1 for each employee
Home Occupation, Home Based Business	2 for dwelling unit + 2 customer spaces
Bed & Breakfast	1 for each guest room + 2 for dwelling unit
Short-term Rental	1 for each guest room over and above that required for the principal residential use

<b>Commercial/Retail Uses (continued)</b>	
Motel or other similar lodging establishment	1 for each guest room + 1 for each employee on the maximum work shift
Funeral Home	1 for each 50 sq. ft. of assembly area + 1 for each employee with a minimum of 20 spaces
Clubs, fraternal organizations or similar use	1 for each 150 sq. ft. of gross floor area
<b>Industrial Uses</b>	
Manufacturing, warehousing, industrial surface mining operation, waste storage or processing facility	1 for each employee in the maximum work shift
Distribution Center and Warehousing	1 for each 500 sq. ft. of gross floor area + 1 for each employee in the maximum work shift
Saw mill, junk yard salvage yard, contractor shop or yard	1 for each employee + 6 customer spaces
<b>Recreational Use</b>	
Parks & Playgrounds	1 for each 5 persons of total facility capacity
Commercial or Institutional Recreational Developments	1 for each 3 persons of total facility capacity + 1 for each 2 employees
Campgrounds or RV parks	2 for each camping space + 1 additional space for every 5 camping spaces.

### 13.9.3 Handicapped/Accessible Parking

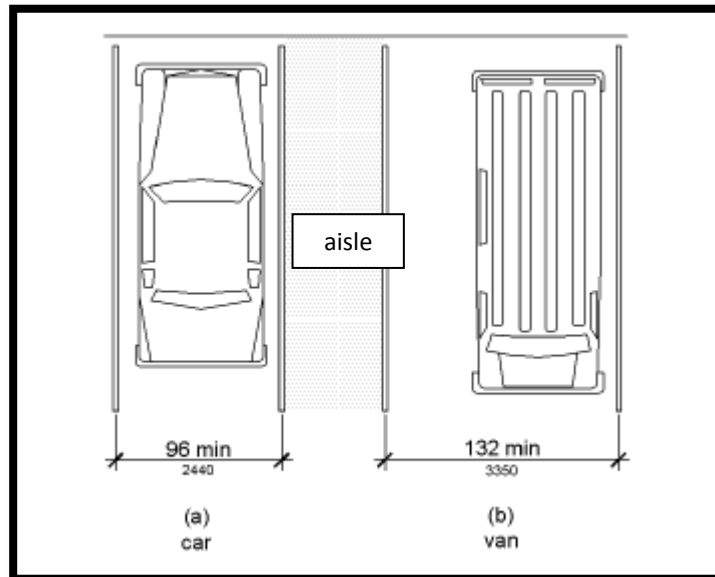
This subsection shall apply to projects where parking is provided including commercial, industrial, office, institutional, multi-family residential and educational uses.

- 13.9.3.1 The number and location of handicapped accessible parking spaces shall conform to the requirements of the *Americans with Disabilities Act*. Specific numbers of spaces from this Act are delineated as follows:

<b>Total Parking Spaces Required for Use</b>	<b>Required Minimum Accessible Spaces</b>	<b>Accessible # Required to be Van Accessible</b>
1 – 25	1	1
26 – 50	2	1
51 – 75	3	1
76 – 100	4	1
101 – 150	5	1
151 – 200	6	1
201 – 300	7	1
301 – 400	8	1
401 – 500	9	1
501 – 1,000	2% of total	1 in every 6 accessible spaces
More than 1,000	20 plus 1/each 100 over 1,000	1 in every 6 accessible spaces over 1000

13.9.3.2 "Accessible" parking spaces are also subject to the following:

- 13.9.3.2.1 Car parking spaces shall be 96 inches (2440 mm) wide minimum (See Illustration)
- 13.9.3.2.2 Van parking spaces shall be 132 inches (3350 mm) wide minimum and have a 98-inch minimum height clearance. (See Illustration)
- 13.9.3.2.3 Accessible parking spaces shall be marked to define the width, and shall have an adjacent access aisle.
- 13.9.3.2.4 Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall adjoin an accessible route. (See Illustration)
- 13.9.3.2.5 Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.
- 13.9.3.2.6 Parking space identification signs shall include the International Symbol of Accessibility. Signs identifying van parking spaces shall contain the designation "van accessible."
- 13.9.3.2.7 Signs shall be 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign.
- 13.9.3.2.8 Accessible parking spaces must be located on surfaces with a maximum slope of 2 percent in all directions, and shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.



#### **13.9.4 Off-Street Loading**

Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading space for each structure or part thereof as set forth in the accompanying table entitled, "Minimum Required Off-Street Loading Berths".

#### **MINIMUM REQUIRED OFF-STREET LOADING BERTHS**

Gross Floor Area	Minimum Number of Berths
0 – 10,000 sq. ft.	1
10,001 sq. ft. or greater	2

#### **13.10 Projections into Required Yards**

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

**13.10.1** 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 yard nor closer than five (5) feet to any adjacent property line.

**13.10.2** Uncovered stairs.

**13.10.3** 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 yard nor closer than five (5) feet to any adjacent property line.



## **13.11 Screening and Landscaping**

Screen planting as may be required elsewhere in this Ordinance, or where determined to be necessary by the Borough Council or Zoning Hearing Board in a Conditional Use or Special Exception application shall serve as a barrier to visibility, glare, and noise between adjacent properties.

### **13.11.1 Screening**

- 13.11.1.1** Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such size and species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.
- 13.11.1.2** Screen planting shall be maintained permanently by the lot owner, and any plant material that did not survive shall be replaced within one (1) year.
- 13.11.1.3** Screen planting when mature shall not encroach into any road right-of-way nor into a driveway or intersection clear sight triangle.

### **13.11.2 Landscaping**

Non-paved and non-built areas of each site shall be fully landscaped according to a plan which integrates the land use, traffic movement and parking, natural features and surroundings.

### **13.11.3 Residential and Non-residential Joint Boundary Requirements**

- 13.11.3.1** Screen planting, walls, berms or fences shall be provided where a commercial or industrial use, commenced after the effective date of this Ordinance, abuts a residential district or use.
- 13.11.3.2** 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 district, where adjacent to an existing non-residential activity.

## **13.12 Unique Lots and Building Locations**

### **13.12.1 Two or More Buildings on a Lot - Land Development**

Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance that would normally apply to each building if each were on a separate lot. A land development plan will be required in order to place an additional principal building on a single parcel (see Borough of Wellsboro Subdivision and Land Development Ordinance).

### **13.12.2 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.

## **13.13 New Development Setbacks and Natural Gas Transmission Facilities**

13.13.1 New residential, commercial, industrial and institutional uses other than those associated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission or gathering pipeline right-of-way. Other unoccupied residential or non-residential accessory uses (i.e. garages, parking areas, storage facilities, garden sheds, etc.) shall be set back a minimum of two hundred (200) feet from any pipeline right-of-way. Setbacks do not apply to distribution pipeline rights-of way.

13.13.1 New residential, commercial, industrial and institutional uses other than those associated with transmission pipelines shall be set back a minimum of seven hundred-fifty (750) feet from any natural gas compressor station or other surface use affiliated with transmission pipelines, or five hundred (500) feet from the nearest lot line of natural gas compressor station, or other surface use affiliated with transmission pipelines, whichever is greater, unless waived in writing by the new development applicant, in which case such uses shall be set back a minimum of three hundred (300) feet from said lot line.

## **ARTICLE 14**

### **Supplemental Use Criteria**

#### **14.1 General Special Exception or Conditional Use Criteria**

In addition to the specific supplemental use criteria identified for uses within this article, the following general criteria shall apply to all Special Exception and Conditional Use applications under this Ordinance.

- 14.1.1** Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 13 for supplemental regulations that may apply;
- 14.1.2** The proposed use shall maintain or enhance the character of the area in which it is proposed to locate;
- 14.1.3** A proposed use shall be located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development;
- 14.1.4** A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations;
- 14.1.5** It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location;
- 14.1.6** Special Exception or Conditional uses proposed for Residential Districts are deemed most appropriate for prominent locations along collector streets, at corner locations and in areas of existing mixed residential and non-residential uses. Such use is not appropriate at locations in neighborhoods which are primarily residential in nature and where traffic impacts would be disruptive to the residential character;
- 14.1.7** The use or adaptation of a structure or lot in a Residential District for a Special Exception or Conditional use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board;
- 14.1.8** In the event sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. DEP approved on-lot facilities may be acceptable for the following uses: Junkyard or Salvage Yard; Outdoor Recreation Use (other than Recreation Vehicle Park, Marina, or Campground Uses); Professional Office; Public or Quasi-Public Use; or Retail, Wholesale, Office, Printing, or Repair Business;

- 14.1.9** Stormwater management facilities shall be provided which shall be designed to create no increase in the rate of runoff of stormwater by providing controlled release and recharge area (see the Borough's Subdivision and Land Development Ordinance for standards); evidence of maintenance and liability responsibilities shall be demonstrated; and facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners;
- 14.1.10** Compliance with the floodplain regulations of the Borough and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval;
- 14.1.11** Permanent screening and landscaping shall be provided in accord with Article 13 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community;
- 14.1.12** Lighting facilities shall be designed to insure that glare and direct illumination does not occur onto adjacent properties and roadways;
- 14.1.13** Sites shall be designed and constructed in accord with the Borough's Subdivision and Land Development Ordinance.
- 14.1.14** Information on the method of municipal waste collection and disposal shall be presented by the applicant.
- 14.1.15** Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated; and
- 14.1.16** All lots and buildings shall have access by way of an internal street system and shall have convenient emergency vehicle and equipment access.

## **14.2 Adult Entertainment**

- 14.2.1** Adult entertainment uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.
  - 14.2.1.1** No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.
  - 14.2.1.2** In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.
  - 14.2.1.3** An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft in size.

### **14.3 Animal Hospital**

Animal Hospitals are to be conditioned upon, but not limited to, the following criteria:

- 14.3.1** Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.
- 14.3.2** Demonstration that all animals will be confined to the property.
- 14.3.3** Demonstration of adequate methods for sanitation and sewage disposal.
- 14.3.4** A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, sidewalks, buildings, runs, and other physical features, existing and proposed.

### **14.4 Automotive Repair Facility, Sales Facility, Service Station, or Convenience Store/Market**

An automotive repair facility, sales facility, service station, or convenience store/market may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing or which may hereafter be enacted.

- 14.4.1** No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.
- 14.4.2** Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.
- 14.4.3** All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.
- 14.4.4** All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.
- 14.4.5** Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain all noise, vibrations, dust, and odor generated by the activity.

- 14.4.6** Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.
- 14.4.7** No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.
- 14.4.8** Screening or landscaping shall be provided in accord with Section 13.11 when this use is adjacent to residences, churches or similar uses.

## **14.5 Bed and Breakfast Inn**

### **14.5.1 Intent**

A Bed and Breakfast Inn shall provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis.

### **14.5.2 Standards**

- 14.5.2.1** Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
- 14.5.2.2** Off-street parking shall be provided in accord with Article 13. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.
- 14.5.2.3** All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.
- 14.5.2.4** Room rentals to families or individuals shall not exceed 14 consecutive days.
- 14.5.2.5** Compliance with the sign regulations of Article 13 shall be maintained.

## **14.6 Communications Antennas, Communication Equipment Buildings, and Communications Towers**

- 14.6.1** Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling.
- 14.6.2** Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- 14.6.3** Omni-directional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

- 14.6.4** Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 14.6.5** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 14.6.6** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 14.6.7** Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communication Equipment Building can be accomplished.
- 14.6.8** Communications Antennas shall comply with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
- 14.6.9** Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
- 14.6.10** A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- 14.6.11** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas.
- 14.6.12** The applicant shall demonstrate that the proposed Communications Tower and communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 14.6.13** Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 14.6.14** Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the

following reasons for not selecting such Structure apply:

- 14.6.14.1** The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
- 14.6.14.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
- 14.6.14.3** Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- 14.6.14.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 14.6.14.5** A commercially reasonable agreement could not be reached with the owners of such Structures.
- 14.6.15** Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum width of twenty (20) feet.
- 14.6.16** A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- 14.6.17** Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevations drawings for determining compliance with all applicable provisions of this ordinance.
- 14.6.18** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- 14.6.19** The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
- 14.6.20** The foundation and base of any Communications Tower shall be set back from property line (not lease line) when adjoining or located in any Residential District at least one hundred (100) feet and shall be set back from property lines (not lease line) in all other districts at least thirty (30) feet.



- 14.6.21** The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- 14.6.22** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and any applicable Building Code.
- 14.6.23** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- 14.6.24** All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located within a fenced enclosure.
- 14.6.25** The site of a Communications Tower shall be secured by a fence with a height of eight feet to limit accessibility by the general public.
- 14.6.26** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum power necessary for the application. During nighttime hours only red lights may be utilized.
- 14.6.27** Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
- 14.6.28** If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The property owner shall be responsible for removal of a Communications Tower in the event that the owner or operator fails to perform the removal.
- 14.6.29** One off street parking space shall be provided within the fenced area.

## **14.7 Corrective or Penal Facility**

In addition to the use regulations of this Ordinance, a Corrective or Penal Facility shall comply with the provisions of the Borough's Subdivision and Land Development Ordinance and the criteria enumerated below:

- 14.7.1** A site plan shall be provided showing the tract of ground on which the use is proposed and illustrating the location of all existing and proposed buildings and structures to be used as part of the facility.
- 14.7.2** An explanation of the traffic, sanitary and environmental safety measures to be utilized and made operational before commencing operations.
- 14.7.3** An indication as to how the light fixtures to be used for security and night operations are to be designed and positioned to avoid directing glare onto adjacent roadways and neighboring properties thereby preventing nuisance effects associated with the lighting.
- 14.7.4** A written commitment shall be presented, signed by the highest responsible official, indicating what operational policies, practices (including the size of the inmate population) and staffing plans are to be utilized and that they will provide on-going security and control to prevent unauthorized trespass on adjacent properties or unreasonable risk to the safety of nearby resident.
- 14.7.5** An Emergency Response plan shall be provided which guarantees that the facility owner will either provide directly or provide to the Borough whatever supplemental equipment, personnel, and financial resources are deemed necessary by the Borough to properly train and develop the necessary capability for response to fire, explosion, riot, epidemic, or other potential incident.
- 14.7.6** A Communications Plan shall be provided which defines in detail the manner in which Borough officials, broadcast and print media, and all appropriate public safety officials will be notified and fully briefed on reportable incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence, as well as a mechanism for advisory input from the Borough to the owner.
- 14.7.7** A Manpower Chart which identifies the on-site or parent organization chain-of command by position and name.
- 14.7.8** A Maintenance Plan which assures that the physical appearance of the facility will be kept in a sanitary and secure condition and will not adversely affect neighboring properties.
- 14.7.9** All permits, licenses and approvals required from Federal or State agencies must be secured by the applicant and submitted to the Borough as part of the application for the Corrective or Penal Facility. Revocation or suspension of any of these approvals will constitute an automatic revocation of the Borough Zoning Permit.
- 14.7.10** Nothing in this Section is intended nor shall be interpreted to attempt to regulate those aspects of Corrective or Penal Facilities which are specifically regulated by the Pennsylvania Department of Corrections or the U.S. Department of Justice, provided that the essential precautions are defined by such regulations in as much

detail as required herein.

#### **14.8 Day Care Center**

A center which provides daytime care or instruction for 7 or more persons and operates on a regular basis, including nursery schools and preschools, shall comply with the following provisions:

- 14.8.1** A day care center shall be located in an area that is free from conditions dangerous to the physical and moral welfare of the children.
- 14.8.2** At least 100 square feet per child of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.
- 14.8.3** At least 35 square feet per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.
- 14.8.4** The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care center meet, where applicable, the licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare, Education, and Environmental Protection.
- 14.8.5** A building floor plan shall be provided, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.
- 14.8.6** A site plan shall also be provided, drawn to scale, and clearly showing the following:
  - 14.8.6.1** The dimensions and acreage of the site and its relationship to surrounding properties.
  - 14.8.6.2** The layout of the entire project including the proposed use and location of all buildings.
  - 14.8.6.3** The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
  - 14.8.6.4** The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
  - 14.8.6.5** The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.
  - 14.8.6.6** The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.
  - 14.8.6.7** The location of existing and proposed utility lines, water courses and drainage lines and easements.
  - 14.8.6.8** Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

## **14.9 Family Based Group Home**

- 14.9.1** 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.
- 14.9.2** No Family Based Group Home shall be established within 500 ft. of another Family Based Group Home or a Group Care Facility.
- 14.9.3** The Family Based Group Home shall be similar in appearance to a single-family dwelling in the neighborhood.
- 14.9.4** The Family Based Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 14.9.5** The Family Based Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 14.9.6** Off-street parking spaces shall be provided for all vehicles associated with the Family Based Group Home including the householder, residents, attendant caregivers, and visitors (see Section 13.9.2).

## **14.10 Funeral Home**

- 14.10.1** Off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. This area shall be in addition to the off-street parking spaces required for this use as stipulated in Section.

## **14.11 Group Care Facility**

- 14.11.1** The Group Care Facility 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.
- 14.11.2** The Group Care Facility shall maintain a residential neighborhood character.
- 14.11.3** The Group Care Facility zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.
- 14.11.4** The Group Care Facility zoning approval shall be revoked if the group home fails to meet approved conditions at all times.
- 14.11.5** Off-street parking spaces shall be provided for all vehicles associated with the Group Care Facility including the householder, residents, attendant caregivers, and visitors (see Section 13.9.2).

#### **14.12 Impact Home Based Business**

An Impact Home Based Business is conducted on a lot in conjunction with a residential dwelling unit. Such uses include lawn mower, or appliance repair shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

- 14.12.1** The Home Based Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home Based Business shall not produce offensive noise, vibrations, dust, odors, pollution, interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.
- 14.12.2** A Home Based Business may be conducted inside the dwelling or within an accessory building or garage, but shall not occupy an area exceeding 60 percent of the ground floor area of the dwelling.
- 14.12.3** The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.
- 14.12.4** All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- 14.12.5** The Home Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home Based Business.
- 14.12.6** No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

#### **14.13 Home Occupations (including Family Day Care Home)**

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. 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.

- 14.13.1** 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 not exceeding 4 sq. ft. (see Address Sign - Section 13.12.2.1).
- 14.13.2** Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.

- 14.13.3** The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes.
- 14.13.4** All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of the residential use.
- 14.13.5** The sale of goods shall be secondary to the occupation or service provided.
- 14.13.6** Any home occupation which creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

#### **14.14 Industrial Park and Industrial or Manufacturing Uses**

- 14.14.1** Industrial operations shall abut or provide direct access to a highway which is capable of accommodating heavy trucks and industrial employee and related traffic.
- 14.14.2** At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.
- 14.14.3** Manufacturing uses generating noises, vibration, radioactivity, toxic or noxious materials, glare, heat, dust, fly ash, smoke or odors shall address such problems in building construction, and screening for sound absorption, larger critical dimensions, or other methods as may be required by the municipality.

#### **14.15 Junk Yard or Salvage Yard**

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as with existing Wellsboro Ordinance #277, as amended.

- 14.15.1** Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a buffer yard and/or landscaping as set forth in Section 13.11 of this Ordinance may be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.
- 14.15.2** Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
- 14.15.3** No garbage or other organic waste shall be stored in such premises.

- 14.15.4** All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility, and shall not exceed a maximum height of eight (8) feet.
- 14.15.5** No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.
- 14.15.6** No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. Where determined appropriate by the Borough, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan and NPDES Permit for his facility.

#### **14.16 Surface Mining**

The applicant shall submit a site plan indicating areas proposed for excavation, proposed quarry and spoil stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

- 14.16.1** The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.
- 14.16.2** This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.
- 14.16.3** This use shall not be permitted within one-hundred (100) feet of any cemetery or the bank of any stream.
- 14.16.4** The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.
- 14.16.5** Community and Environmental Impact Analysis - Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information;
  - 14.16.5.1** Hydrologic analysis and information;
  - 14.16.5.2** Information concerning geologic conditions;
  - 14.16.5.3** SCS soils classification information;
  - 14.16.5.4** Information on mineral bearing areas;

**14.16.5.5** Land use analysis;

**14.16.5.6** Information regarding transportation impacts;

**14.16.5.7** Information regarding emergency and safety services;

**14.16.5.8** Economic impact analysis; and

**14.16.5.9** Air quality impact analysis.

#### **14.17 Uses Not Provided For**

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 16.2 of this Ordinance. In addition, the use may only be permitted if:

**14.17.1** It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

**14.17.2** It is not permitted in any other zone under the terms of this Ordinance; and

**14.17.3** It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

#### **14.18 Waste Storage or Processing Facility**

**14.18.1** No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

**14.18.2** All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the Waste Storage or Processing Facility):

**14.18.2.1** Within 2 mile of a well or spring used for a community water supply;

**14.18.2.2** Within 2 mile of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;

**14.18.2.3** Within any 100 year floodplain or a larger area that the flood of record



has inundated;

**14.18.2.4** Within any wetland area;

**14.18.2.5** Over any active or inactive oil or gas wells or storage areas;

**14.18.2.6** Over any formations of carbonate bedrock;

**14.18.2.7** Within 2 miles of any National Landmark, or a National Historic District or a historic site as listed on the National Register of Historic Places;

**14.18.2.8** Within any Agricultural Security Area;

**14.18.2.9** In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;

**14.18.2.10** Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;

**14.18.2.11** Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or

**14.18.2.12** Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

**14.18.3** Community and Environmental Impact Analysis - Applicants shall submit Community and Environmental Impact Analysis which shall consist of the following information;

**14.18.3.1** Hydrologic analysis and information;

**14.18.3.2** Information concerning geologic conditions;

**14.18.3.3** SCS soils classification information;

**14.18.3.4** Information on mineral bearing areas;

**14.18.3.5** Land use analysis;

**14.18.3.6** Information regarding transportation impacts;

**14.18.3.7** Information regarding emergency and safety services;

**14.18.3.8** Economic impact analysis; and

**14.18.3.9** Air quality impact analysis.

**14.18.4** Application Requirements - The Applicant shall submit the following information pertaining to the site or project:

- 14.18.4.1** A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal at the site;
- 14.18.4.2** A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;
- 14.18.4.3** A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;
- 14.18.4.4** A statement of qualifications to operate a waste disposal facility;
- 14.18.4.5** A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:
  - Facility construction and maintenance procedures;
  - Operating procedures and practices, the design of the facility and its associated activities;
  - Monitoring procedures, practices and standards necessary to assure safe operation of the facility;
  - The services to be offered by the applicant to the community;
  - The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
  - Provisions for renegotiations of any term, condition or provision of the siting agreement;
  - Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between the parties;
  - Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;
  - Provision for direct monetary payments to the township and special services to be provided for demonstrated adverse impacts;
  - Provision to assure the health, safety, comfort, convenience and social and economic security of the township;

- Provision to assure the protection of environmental and natural resources;
- Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.

#### **14.19 Oil or Gas Drilling and Oil or Gas Exploration**

Special requirements for Conditional Uses of oil or gas drilling and/or oil or gas exploration, in the Rural Residential District, are outlined in this subsection.

- 14.19.1** The applicant shall demonstrate compliance with all pertinent environmental requirements, including but not limited to floodplain, wetland, water quality, erosion and sedimentation control, and all oil or gas exploration and oil or gas drilling statutes and regulations.
- 14.19.2** Prior to beginning any oil or gas exploration or oil or gas drilling, the applicant shall submit to the Borough a copy of all permits issued by the Pennsylvania Department of Environmental Protection (PA DEP), the Environmental Protection Agency (EPA), the Susquehanna River Basin Commission (SRBC), or any other regulatory agency. In addition, the applicant shall provide the Borough with copies of all plans (erosion, sedimentation control, grading, etc.) required by PA DEP, EPA, SRBC, or any other regulatory agency. The applicant must maintain all required permits throughout the duration of all oil or gas exploration and oil or gas drilling operations. Any suspension or revocation of permits by PA DEP, EPA, SRBC or any other regulatory agency shall be reported to the Borough, shall constitute a violation of Borough zoning approval and may result in the suspension or revocation of zoning approval. No oil or gas drilling or oil or gas exploration, other than minimal landscaping, shall take place until Borough approval of conditional use is granted.
- 14.19.3** The applicant shall provide the Borough with the name of the person or persons supervising the oil or gas exploration or oil or gas drilling operations and a phone number where such person or persons can be reached twenty-four (24) hours a day.
- 14.19.4** Oil or gas drilling and oil or gas exploration shall not be permitted within one hundred ( 100) feet of the outside line of the right-of-way or any public highway or within three hundred (300) feet of any occupied dwelling, or any public building, school, park or community or institutional building.
- 14.19.5** Oil or gas drilling and oil or gas exploration shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.

- 14.19.6** A conditional use application for oil or gas drilling or oil or gas exploration shall be accompanied with written permission from the property owner(s) who have legal or equitable title to the surface of the areas subject to proposed oil or gas exploration or oil or gas drilling.
- 14.19.7** After oil or gas exploration or oil or gas drilling operations are complete, the applicant shall clean the site, complete all restoration activities and repair any damage to public property caused by such operations within sixty (60) days, or the minimum time period permitted by law.
- 14.19.8** After any spill, leak or malfunction, the applicant shall remove or cause to be removed to the satisfaction of the PA DEP, EPA, SRBC or any other applicable regulatory agency inspectors all waste materials from any public or private property affected by such spill, leak or malfunction. Clean up operations must begin immediately upon knowledge that a spill, leak or malfunction occurred.
- 14.19.9** Community and Environmental Impact Analysis - An environmental impact analysis statement shall be submitted to the Borough prior to approval for oil or gas drilling or oil or gas exploration uses. The person(s) drafting the statement shall be qualified and have prior approval by the Borough. The purpose of the statement is to determine the impact of the project on the environment of the existing site and the resultant changes the proposal will have on the immediate site and surrounding area so that the Borough can make informed decisions relating to the proposed action. The statement shall consist of the following information:
- 14.19.9.1 A description of the proposed or recommended project, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of the environmental impact by the Borough Council.
- 14.19.9.2 A comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.
- 14.19.9.3 A description of the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, either beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should

include the impact not only upon the natural environment but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

- 14.19.9.4 A discussion of measures which are proposed to be taken or which are required to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.
- 14.19.9.5 A discussion of the unavoidable adverse impacts described in 14.19.9.2 through 14.19.9.4 above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.
- 14.19.9.6 A discussion of the local short-term uses of the environment involved in the proposed action in relation to its cumulative and long-term impacts and to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long- term risk to health or safety. Short-term and long-term do not refer to any fixed time period, but should be viewed in term of the various significant ecological and geophysical consequences of the proposed action.
- 14.19.9.7 A discussion, quantified where possible, of any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.
- 14.19.9.8 A description of the environmental impacts, both beneficial and adverse, of the various alternatives considered.
- 14.19.9.9 Hydrologic analysis and information, including but not limited to a description, inventory, analysis and evaluation of the existing hydrogeologic conditions in terms of both water quality and quantity, a description of the changes to the hydrogeologic conditions which may occur as a result of the proposed use, a quantified analysis of the potential for changes in water quantity or quality, and a discussion of anticipated adverse changes and proposed methods or means of reduction or mediation of such adverse impacts.
- 14.19.9.10 Information concerning geologic conditions.
- 14.19.9.11 Information on mineral bearing areas.

- 14.19.9.12 Land use analysis.
- 14.19.9.13 Information regarding emergency and safety services.
- 14.19.9.14 Economic impact analysis.
- 14.19.9.15 Air quality impact analysis.
- 14.19.10** The Borough of Wellsboro reserves the right to impose any additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular site for oil or gas exploration or oil or gas drilling.
- 14.19.11** Proposed Site Location Statement - A proposed site location statement and agreement indicating areas proposed for excavation, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials shall be submitted with the conditional use application prior to the granting of permission for gas or oil drilling or gas or oil exploration in a Rural Residential District. The proposed site location statement and agreement shall specify the terms, conditions and provisions under which oil or gas drilling or oil or gas exploration will be conducted, including but not limited to the following:
  - 14.19.11.1 Facility construction and maintenance procedures.
  - 14.19.11.2 Operating procedures and practices.
  - 14.19.11.3 Monitoring procedures, practices and standards necessary to assure safe oil or gas drilling and oil or gas exploration.
  - 14.19.11.4 The services to be offered by the applicant to the community.
  - 14.19.11.5 The compensation, services and special benefits to be provided, if any, to the community by the applicant and the timing and conditions of their provision.
  - 14.19.11.6 Provisions for renegotiations of any term, condition or provision of the site location agreement.
  - 14.19.11.7 Provisions for compensation to be paid to abutting landowners, residents, occupants or impacted communities for demonstrated adverse impacts.
  - 14.19.11.8 Provisions for resolving any disagreements in the construction and interpretation of the site agreement that may arise between parties.

- 14.19.11.9 Provision for direct monetary payments, if any, to the Borough and special services to be provided for demonstrated adverse impacts;
- 14.19.11.10 Provision to assure the health, safety, comfort, convenience and social and economic security of the Borough.
- 14.19.11.11 Provision to assure the protection of environmental and natural resources.
- 14.19.11.12 Pro visions to compensate the Borough, the County and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.
- 14.19.12** The minimum lot size for the conditional uses of oil or gas drilling and oil or gas exploration shall be two (2) acres
- 14.19.13** A transportation plan shall be submitted to the Wellsboro Borough Council for the conditional use of oil or gas drilling and oil or gas exploration. This plan shall show the width, bearing capacity and type of road surface of all Wellsboro Borough roads used by all truck traffic to or from each drilling or exploration site and the weight of all vehicles expected to be used. The plan shall pay careful attention to the impact of truck activity upon any school bus using the same road. This plan will be completed by a professional engineer with experience in transportation analysis and planning. The engineer will be chosen from a list of such persons submitted to the Borough by the applicant for the conditional use. The person(s) chosen must meet with the satisfaction of the Borough. Conditional use applicants must assume the cost of such transportation plan. Should the transportation plan indicate that the conditional use of oil or gas drilling and oil or gas exploration will pose a significant transportation hazard to other users of Borough roads, permission to site the conditional use may be denied.
- 14.19. 14** The operator of any oil or gas drilling or oil or gas exploration use shall post security with Wellsboro Borough to cover the cost to repair, reconstruct or resurface any public roads, bridges or drain pipes which are damaged or subjected to excessive wear resulting from the use of said roads, bridges and drain pipes by the operator or others in connection with the operation of the conditional use. In lieu thereof the operator may enter into an agreement with Wellsboro Borough to make an annual contribution to be used in the maintenance of said roads, bridges and drain pipes.
- 14.19.15** Truck access to any oil or gas drilling or oil or gas exploration site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties and to ensure the continued quality of public roads. There should be a minimum of 500 feet of sight distance at the entrance to any site. No site access road shall be over a road within a Residential Town District or Historic Residential District.

- 14.19.16** All access drives on site for any oil or gas drilling or oil or gas exploration shall be completely paved for a distance of at least 200 feet from the road right-of-way. In addition, if any portions of the on-site access drives are unpaved, then a 50 foot long gravel section of the driveway shall be placed just beyond the preceding 200 foot paved section to help collect any mud that may have attached to the vehicles wheels. The maintenance of these drives shall be the responsibility of the operator of the conditional use as long as the use continues.
- 14.19.17** Sufficiently long vehicle stacking lanes at the site shall be provided on site so that vehicles waiting to be weighed or serviced do not back onto public roads. The site operator shall be responsible for compliance with this provision.
- 14.19.18** The noise level at the nearest property line shall not exceed 60 dBa.

## **14.20 Medical Marijuana Operations**

Requirements for Conditional Uses for Medical Marijuana Dispensaries and Growers/Producers, under provisions of Act 16 of 2016, the Medical Marijuana Act:

- 14.20.1** The applicant shall demonstrate compliance with all pertinent Commonwealth requirements and regulations of the Medical Marijuana Act, Act of Apr. 17, 2016, P.L. 84, No. 16.
- 14.20.2** Medical Marijuana Dispensaries are reviewable as a Conditional Use in the Highway Commercial District, subject to the Minimum Area and Dimensions as per Article 7 Subsection 7.4.1 of this Ordinance. Furthermore, in accordance with Act 16:
- 14.20.2.1** A dispensary may only dispense medical marijuana in an indoor, enclosed, secure facility located within this Commonwealth, as determined by the PA Department of Health.
- 14.20.2.2** A dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- 14.20.2.3** A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center.
- 14.20.2.4** A dispensary may sell medical devices and instruments which are needed to administer medical marijuana under this act.
- 14.20.2.5** A dispensary may sell services approved by the department related to the use of medical marijuana.



**14.20.3** Medical Marijuana Growers/Processors are reviewable as a Conditional Use in the Commercial Manufacturing District, subject to the Minimum Area and Dimensions as per Article 8 Subsection 8.3 of this Ordinance. Furthermore, in accordance with Act 16, a grower/processor may carry out the following subject to limitations in 14.20.3.3:

14.20.3.1 Obtain seed from outside this Commonwealth to initially grow medical marijuana.

14.20.3.2 Obtain seed and plant material from another grower/processor within this Commonwealth to grow medical marijuana.

14.20.3.3 Limitations - A grower/processor may only grow, store, harvest or process medical marijuana in an indoor, enclosed, secure facility which:  
- includes electronic locking systems, electronic surveillance and other features required by the PA Department of Health; and  
- is located within this Commonwealth.

## **14.21 Natural Gas Compressor Stations**

Requirements for Conditional Uses for Compressor Stations:

**14.21.1** Compressor Stations for transmission and gathering lines are reviewable as Conditional Uses in the Rural Residential and the Commercial Manufacturing Districts. In addition, prior to issuance of a Zoning Permit the following conditions shall be met as required:

14.21.1.1 Applicants for Gathering System Compressors shall demonstrate compliance with application, review and permitting requirements of the Commonwealth of Pennsylvania, including the PA Department of Environmental Protection and the PA Public Utilities Commission.

14.21.1.2 Applicants for Transmission System Compressors shall demonstrate compliance with application, review and permitting requirements of the appropriate Federal agencies, including the US Environmental Protection Agency, Federal Energy Regulatory Commission, US Department of Transportation and the Pipeline and Hazardous Materials Safety Administration, as well as applicable Commonwealth of Pennsylvania review and permitting requirements by PA DEP (i.e. Air Emissions) and PA Department of Transportation (i.e. Highway Occupancy Permits).

- 14.21.2** Compressor Stations shall be set back at least 750 feet from the nearest existing building at the time of application, or 200 feet from the nearest lot line, whichever is greater.
- 14.21.3** The noise level at the nearest property line does not exceed 60 dBa and 55 dBa at the nearest residence, school, hospital, house of worship or similar noise sensitive area.
- 14.21.4** Screening of compressor stations shall be in conformance with Section 13.11 Screening and Landscaping of this Ordinance.
- 14.21.5** The minimum lot size for Gathering System compressor stations is twelve (12) acres and the minimum lot size for Transmission System compressor stations is five (5) acres.

## **14.22 Short-Term Rentals**

### **14.22.1 Intent**

A Short-Term Rental shall provide temporary accommodations in a residence for a fee, on a daily or weekly rental basis, as a Conditional Use in the RR-Rural Residential, CB-Central Business and HC-Highway Commercial Districts.

### **14.22.2 Standards**

- 14.22.2.1** No outward modification of the structure or grounds shall be made other than those associated with those permitted for the principal residential use.
- 14.22.2.2** Off-street parking shall be provided in accord with Article 13. The front yard shall not be for off-street parking for temporary guests.
- 14.22.2.3** Any necessary permits, taxes, certifications, insurance or requirements shall be obtained by the applicant as a condition of approval of the Short-Term Rental.
- 14.22.2.4** Room rentals for temporary guests shall not exceed 30 consecutive days.
- 14.22.2.5** No business signage shall be permitted.
- 14.22.2.6** Property owner shall be a full-time resident of the subject property.

## 14.23 Restaurants, Food Trucks

Applications for Food Truck operations for Conditional Use consideration in the Highway Commercial and Commercial Manufacturing Districts shall show compliance with the following requirements:

- 14.23.1 Food truck operations are permitted on private property with the written permission/agreement of the owner of record.
- 14.23.2 The minimum area for food truck operations shall be 35 feet by 15 feet.
- 14.23.3 Food trucks shall be a minimum of 200 feet from the nearest operational non-food truck restaurant, school, house of worship or occupied residence.
- 14.23.4 In addition to signs painted on or affixed to the food truck, each truck may also display one (1) sandwich board/sidewalk type of sign.
- 14.23.5 Each food truck shall also have one (1) trash receptacle in the general vicinity. The operator shall be responsible for the maintenance of the trash receptacle and the proper disposal of trash deposited therein.
- 14.23.6 Provision of tables for customers is optional, but if provided a drawing must be submitted depicting the location of tables and the area required is in addition to the minimum area noted in subsection 14.23.2.
- 14.23.7 The operator of the food truck must show evidence of compliance with any required permits, licenses and taxes, and current vehicle registration and inspection requirements.
- 14.23.8 Equipment and operations must be self-contained within the food truck, with no objects or structures associated with food truck operations placed outside of the vehicle, except for a sandwich board/sidewalk sign, trash receptacle or optional tables.
- 14.23.9 Hours of operation are limited between the hours of 8:00 am and 9:00 pm.
- 14.23.10 The following are specifically prohibited from food truck operations:
  - 14.23.10.1 The sale or distribution of alcoholic beverages;
  - 14.23.10.2 Amplified music or use of loudspeakers;
  - 14.23.10.3 Exterior lighting excluding lighting within the food truck associated with food preparation and menu illumination, and associated with street use as a moving vehicle; and
  - 14.23.10.4 Operations that obstruct the flow of pedestrians or vehicles.
- 14.23.11 Food truck operators responsible for payment of fees under Part 3 *Transient Retail Merchants*, of the Codified Ordinances of the Borough of Wellsboro, which exempts certain entities (See Subsection 13-303), shall complete and submit the Wellsboro *Transient Retailer Permit Application* for action by the Borough, and also comply with the requirements described in Part 3.

## **ARTICLE 15**

### **Zoning Hearing Board Proceedings**

#### **15.1 Organization and Procedure**

##### **15.1.1 Establishment**

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, a Zoning Hearing Board is hereby established for the Borough of Wellsboro.

##### **15.1.2 Appointment and Membership**

The Zoning Hearing Board shall consist of three (3) members who are residents of the Municipality who are appointed by Resolution of the Borough Council. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the Municipality. A Zoning Hearing Board member may be removed by the majority vote of the appointing authority for just cause only after the member has received 15 days advanced notice of the Borough's intent to take such a vote.

The Borough Council may appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

##### **15.1.3 Appointment to Fill Vacancies**

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

#### **15.2 Powers and Duties**

The Zoning Hearing Board shall perform all the duties and have all the powers prescribed by the Municipalities Planning Code Act, of 1968, P.L. 805, No. 247, as reenacted and amended, including the following:

### **15.2.1 To Hear and Decide Requests for Special Exceptions**

Where the Governing Body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria of this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.

### **15.2.2 To Hear and Decide Appeals**

**15.2.2.1** The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure, or lot.

**15.2.2.2** The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving the provisions regulating Subdivision and Land Development governed under Article V of the Pennsylvania Municipalities Planning Code.

**15.2.2.3** The Zoning Hearing Board shall hear and decide appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

**15.2.2.4** The Zoning Hearing Board shall hear and decide upon appeals from a determination of the Zoning Officer, any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

### **15.2.3 To Hear and Decide Challenges to the Validity of any Land Use Ordinance**

**15.2.3.1** The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the Governing Body pursuant to Sections 609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code, as amended.

- 15.2.3.2** The Zoning Hearing Board shall hear and decide challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

#### **15.2.4 To Hear and Decide Requests for Variances**

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally, irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. See Section 8.8 for additional information regarding variances in the Floodplain Districts.

No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

- 15.2.4.1** That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- 15.2.4.2** That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 15.2.4.3** That such unnecessary hardship has not been created by the applicant;
- 15.2.4.4** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 15.2.4.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as may seem necessary to implement the purposes of this Ordinance.

## **15.3 Hearing Procedures**

### **15.3.1 Parties Appellant Before the Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or by any person aggrieved. Requests for variance must be filed with the Zoning Hearing Board by a landowner or an authorized agent of such landowner.

### **15.3.2 Time Limitations**

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

### **15.3.3 Application Required**

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance that is applied for, in addition to the following information:

- 15.3.3.1** The name and address of the applicant or appellant;
- 15.3.3.2** The name and address of the owner of the parcel to be affected by such proposed change or appeal;
- 15.3.3.3** A brief description and location of the parcel to be affected by such proposed change or appeal;
- 15.3.3.4** A statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof, and
- 15.3.3.5** A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size of such proposed improvement, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

#### **15.3.4 Procedure for Zoning Officer**

- 15.3.4.1** The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
- 15.3.4.2** It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

#### **15.3.5 Hearing Required and Notice of Hearings**

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

- 15.3.5.1** Public notice in accordance with the definition of *Public Notice* in Section 1.3 of this Ordinance;
- 15.3.5.2** Post in a conspicuous place on the property involved a written notice of the pending hearing and action, such notice shall take place at least seven (7) days prior to the public hearing;
- 15.3.5.3** Give written notice to the applicant, the Zoning Officer, the Borough Secretary, Secretary of the Borough Planning Agency, and to any person who has made timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Planning Agency, the Borough Planning Agency shall be given notice at least 30 days prior to the hearing); and
- 15.3.5.4** In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

If required, each subsequent hearing before the board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within



the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

#### **15.3.6 Rules of Conduct**

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Such Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Borough Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Borough Council once each year.

A quorum of two (2) Board Members shall be required for the Board to take action.

#### **15.3.7 Decisions**

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitation of the power of the Zoning Hearing Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the results or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

#### **15.3.8 Expiration of Appeal Decision**

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

#### **15.3.9 Required Interval for Hearings on Applications and Appeals after Denial**

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of the Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred related to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

#### **15.3.10 Failure to Hold Required Hearing or Render Decision**

If the Zoning Hearing Board fails to hold the required Hearing or fails to render a decision with the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day and/or 45 day time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

#### **15.3.11 Stay of Proceedings**

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Zoning Hearing Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any appropriate agency.

#### **15.3.12 Appeals**

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Tioga County pursuant to the procedures established in Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

## **ARTICLE 16**

### **Amendments and Conditional Uses – Borough Council**

#### **16.1 Amendments to Zoning Ordinance or Map**

The Borough Council may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. For Curative Amendments, see Section 609.1, Procedure for Landowner Curative Amendments, under Article VI of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

##### **16.1.1 Review by Planning Agency**

Every such proposed amendment or change, whether initiated by the Borough Council or by petition, shall be referred to the Borough Planning Agency and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the Public Hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

##### **16.1.2 Public Hearing**

The Borough Council shall, at a public meeting, establish a date, time and place for a Public Hearing on the proposed amendment. Notice of such Hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the local area. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points along the perimeter of the affected tract at least seven (7) days prior to the date of the hearing.

##### **16.1.3 Opportunity to be Heard**

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

##### **16.1.4 Notice of Enactment**

Prior to taking action on the amendment, the Borough Council shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary once in a newspaper of general circulation in the locale. Such notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage.

### **16.1.5 Enactment of Amendment**

The adoption of an amendment shall be by simple majority vote of the Borough Council. The vote of the Borough Council shall be within 90 days after the last public hearing on the amendment. If the Borough Council fails to take action within 90 days, the proposed amendment shall be deemed to have been denied. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

## **16.2 Conditional Uses**

The Borough Council may grant Conditional Use approval for only those uses set forth in Articles 2 through 10 of this Ordinance, District Regulations, pursuant to the express standards and criteria for the specified uses outlined in this Ordinance. In addition, the Borough Council may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance.

### **16.2.1 Application Procedure**

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such application to the Borough Secretary. Upon receipt of a Conditional Use application, the Borough shall forward a copy of the application to the Borough Planning Agency for their review and recommendation. The Borough Planning Agency shall conduct its review and make recommendations within 45 days of receipt of such request.

### **16.2.2 Written Statement**

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

**16.2.2.1** The location of the tract of land;

**16.2.2.2** The present use of the tract for which the conditional use is requested;

**16.2.2.3** The present use of adjoining tracts;

**16.2.2.4** The type of conditional use for which the application is made;

**16.2.2.5** A brief description of the type and extent of the proposed activities;

**16.2.2.6** An estimate of the total development cost of the conditional use; and

**16.2.2.7** The names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

### **16.2.3 Site Plan**

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. The site plan shall be drawn to a scale not exceeding 50 feet to the inch and shall be placed on a sheet no smaller than 18x24". If the site plan is drawn in two (2) or more sections, a key map showing the section locations shall be placed on each sheet. The site plan shall include:

- 16.2.3.1** Title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
- 16.2.3.2** Tract boundaries showing bearings and distances;
- 16.2.3.3** Existing significant natural or man-made features of the site;
- 16.2.3.4** Existing and proposed streets, rights-of-way, easements, means of access and setback lines;
- 16.2.3.5** Existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
- 16.2.3.6** Existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
- 16.2.3.7** Proposed grading and drainage plan;
- 16.2.3.8** Proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
- 16.2.3.9** Plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and
- 16.2.3.10** Location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a Conditional Use, the Borough Council may, upon recommendation of the Borough Planning Agency, waive the requirement for submission of certain information that is deemed unnecessary for review for the application. In all cases however, the information submitted shall be adequate for review of the Conditional Use request.

#### **16.2.4 Hearing Requirements**

Within 60 days of the date of the applicant's request for a Conditional Use, the Borough Council shall select a date, advertise pursuant to *Public Notice*, and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

#### **16.2.5 Criteria for Review and Approval of Conditional Use**

The Borough Council shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance.

- 16.2.5.1** The purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
- 16.2.5.2** Whether the specific site is an appropriate location for the use, structure or condition;
- 16.2.5.3** Whether the use developed will adversely affect the neighborhood;
- 16.2.5.4** Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
- 16.2.5.5** Whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
- 16.2.5.6** The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
- 16.2.5.7** Whether satisfactory provision and arrangement has been made concerning the following:
  - ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
  - off-street parking and loading areas;
  - waste collection, storage or disposal;
  - utilities, with reference to location, availability and compatibility;
  - screening and buffering with reference to type, dimensions and character;
  - signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
  - required yards and open spaces.

### **16.2.6 Decisions**

The Borough Council shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusion based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provisions relied upon and the reason why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

### **16.2.7 Failure to Hold Required Hearing or Render Decision**

Where the Borough Council fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 16.2.4 and 16.2.6 above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Borough Council shall give public notice in the same manner as is done for the public hearing of the decision with ten (10) days from the last day they could have met to render a timely decision. If the Borough Council fails to provide such notice, the applicant may do so.

### **16.2.8 Expiration of Decision**

Unless otherwise specified by the Borough Council at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permits or comply with the conditions of said authorization within six (6) months from the date of authorization.

### **16.2.9 Appeals**

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.



## **ARTICLE 17**

### **Administration and Enforcement**

#### **17.1 Generally: Appointment of Zoning Officer**

For the administration of a zoning ordinance, a zoning officer, who shall not hold any elective office in the municipality, shall be appointed. For the purposes of administering and enforcing this Ordinance a Zoning Officer shall be appointed by the Borough Council. The appointment of a Zoning Officer is generally governed by Section 614 of Act 247. The Zoning Officer shall hold no elective office in the Borough and shall demonstrate to the satisfaction of the Borough Council a working knowledge of municipal zoning, and shall meet such other qualifications as the Borough Council deems necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the duties specified in Section 17.2 herein.

#### **17.2 Powers and Duties of the Zoning Officer**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions herein. He shall have such duties and powers as are conferred on him by this Ordinance and as reasonably implied for those purposes. In addition, the Zoning Officer shall:

- 17.2.1** Receive and evaluate applications for permits, certificates, variances, conditional uses, appeals and other applications within the terms of this Ordinance;
- 17.2.2** Prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- 17.2.3** Issue permits for the construction, alteration or erection of all buildings or structures which are in accord with the requirements of this Ordinance, within 30 days after receipt of a complete application for such a permit. In cases of applications for a Conditional Use, Special Exception, or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board or the Borough Council, as appropriate;
- 17.2.4** Deny applications for permits which do not meet the requirements of this Ordinance, within 30 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- 17.2.5** Examine land, buildings, and structures to determine their consistency with

the Zoning Ordinance at the time of filing an application, during the work and upon completion of the work. Inspections to enforce the provisions of this Ordinance shall be made at a reasonable hour and upon presentation of proper credentials.

- 17.2.6** Issue or deny requests for Certificates of Occupancy within ten (10) days after final inspection of the activity. A denial shall be in writing and shall state the reasons for such action;
- 17.2.7** Issue written enforcement notices as specified in Section 17.7 of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the District Justice having jurisdiction on behalf of the Borough as a means of enforcing the zoning regulations. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Borough Council;
- 17.2.8** Review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344, No permit shall be issued until this determination has been made.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

- 17.2.9** Keep and maintain a permanent and public record and file of all activities undertaken by him in the performance of his official duties: including file copies of all applications received, permits issued, placards distributed, inspections and reports made in connection with any structure, dwelling, sign or land;
- 17.2.10** Issue preliminary opinions (in accord with Section 916.2 of the Pennsylvania Municipalities Planning Code) that a landowner's proposed use or project complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive

weeks in a newspaper of general circulation in the area. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined;

- 17.2.11** Be responsible for maintaining and updating the Official Zoning Map with respect to any amendments thereto;
- 17.2.12** Identify and register nonconforming premises in accord with the Nonconforming regulations of Article 13; and
- 17.2.13** Inform the Borough Council prior to issuing violation and/or enforcement notices.

### **17.3 General Procedure: Zoning Permit Required**

Persons desiring to undertake the construction, alteration, or to change the use of any structure or lot shall apply to the Zoning Officer for a Zoning Permit by filing the appropriate form and by submitting the required fee. The Zoning Officer will then either issue or refuse the permit or refer the application to the Zoning Hearing Board or the Borough Council, as appropriate. After the Zoning Permit has been issued to the applicant, he may proceed to undertake the action allowed by the permit. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit, if applicable. If the Zoning Officer finds that the action of the applicant has been in accordance with the permit and the provisions of this Ordinance and other applicable laws and regulations, the Zoning Officer may then issue an Occupancy Permit allowing the premises to be occupied and used.

### **17.4 Zoning Permits and Certificates**

#### **17.4.1 Classes of Zoning Permits**

Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- 17.4.1.1 Permitted Use** - Issued by the Zoning Officer on the authority granted herein;
- 17.4.1.2 Special Exception Use** - Issued by the Zoning Officer after review and upon the order of the Zoning Hearing Board;
- 17.4.1.3 Conditional Use** - Issued by the Zoning Officer after review by the Planning Agency and upon the order of the Borough Council; and
- 17.4.1.4 Permit On Appeal or Variance** - Issued by the Zoning Officer upon the order of and following review and hearing by the Zoning Hearing Board.

#### **17.4.2 Requirement for Zoning Permits**

A Zoning Permit shall be required prior to the erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; prior to the erection or alteration of signs, except as specified in Article 13; prior to the change or extension of a nonconforming use; or prior to development in any Floodplain District; except as listed below. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. In some instances additional permits may also be needed to be obtained prior to beginning construction work or alterations.

Exemptions - Zoning Permits shall not be required for any of the following activities except when proposed in a floodplain district:

- 17.4.2.1** Interior alterations when there is no increase in ground floor exterior dimension and no change in use;
- 17.4.2.2** Exterior or interior maintenance and repair to existing buildings or structures; including siding, roofing, painting, storm windows, and similar activities;
- 17.4.2.3** Cultivation of crops;
- 17.4.2.4** Landscaping including the erection of land terraces, steps or other similar features;
- 17.4.2.5** Placement or location of utility distribution lines; or
- 17.4.2.6** Razing of buildings or structures.

#### **17.4.3 Application**

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Borough. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible party shall be stated in the application.

The Zoning Officer shall have 30 days after receipt of a completed application to issue or deny the Permit. A denial shall be in writing and shall state the reason(s) for such action.

#### **17.4.4 Plan Requirements**

All applications for Zoning Permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations including building floor plans as may be appropriate. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Borough.

One copy of the plans will be returned to the applicant when such plans have been approved by the Zoning Officer. All application and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

#### **17.4.5 Proof of Compliance**

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all requirements of this Ordinance and all other applicable federal, state or local regulations. Included in the information shall be a copy of a sewage permit when one is required. Also if the PA Department of Labor and Industry, the Department of Transportation, or other regulatory agency requirements apply, the applicant shall supply evidence which shows that these regulations have been met.

#### **17.4.6 Changes**

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

#### **17.4.7 Permit and Permit Placard**

In addition to the Zoning Permits, the Zoning Officer shall issue a Permit Placard which shall be displayed or posted on the premises during the construction time period. The Permit Placard shall remain on display until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the permit number, date of issuance, and the signature of the Zoning Officer.

#### **17.4.8 Time Limitations**

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a permit shall have been issued. Reasonable extensions of time not exceeding ninety (90) days may be granted at the discretion of the Zoning Officer.

#### **17.4.9 Expiration of Permit**

If the work approved by issuance of any Zoning Permit has not begun within one (1) year from the date of issuance, said permit shall expire. One (1) extension of up to six (6) months may be granted at the discretion of the Zoning Officer if requested in writing showing good cause by the applicant. 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. Further work on the premises shall not continue until a new Zoning permit has been obtained.

#### **17.4.10 Inspections**

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Borough laws. He shall make as many inspections as necessary to determine compliance.

#### **17.4.11 Revocation of Permit**

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such cases, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Borough Council.

#### **17.4.12 Temporary Use Permits**

It is recognized that from time to time it may contribute to the welfare of the Borough and its residents to allow the occupancy of land or structure for a temporary time period by a use other than those normally permitted. In this case, the Zoning Officer may approve such a Temporary use, and issue a Temporary Use Permit for the time period not to exceed one (1) year, and under the conditions that will enhance the public health, safety and welfare.

#### **17.4.13 Occupancy Permits**

Prior to the use or occupancy of any land or building for which a Zoning Permit is required or to any change of use of any existing structure or land, an occupancy permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept on the premises and shall be shown to any officer of the Borough upon request. All applications for Occupancy Permits shall be in writing.

### **17.5 Application Requirements for Proposed Construction Within the 100 Year Flood Boundary**

**17.5.1** If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Zoning Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

**17.5.1.1** All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

**17.5.1.2** All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

**17.5.1.3** Adequate drainage is provided so as to reduce exposure to flood hazards.

**17.5.2** Development, construction, rehabilitation and other activities in SFHAs in the FIS are subject to regulations related to Technical Provisions, Activities Requiring Special Permits, Existing Structures in Identified Floodplain Areas, Variances and Definitions in Ordinance No. 679 as enacted on May 11, 2015, as subsequently amended.

### **17.6 Violations**

Failure to secure a Zoning Permit when required hereunder, failure to secure a Certificate of Occupancy, or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

### **17.7 Enforcement Notice**

If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer, on behalf of the municipality, shall give notice of such alleged violation sending an enforcement notice stating at least the following:

- 17.7.1** The name of the owner of record and any other person against whom the municipality intends to take action .
- 17.7.2** The location of the property in violation.
- 17.7.3** The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- 17.7.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- 17.7.5** That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
- 17.7.6** That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

#### **17.8 Cause of Action**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the Borough Council, or with the approval of the Borough Council, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

#### **17.9 Enforcement Remedies**

- 17.9.1** District justices shall have initial jurisdiction over proceedings brought under Section 17.9.2.
- 17.9.2** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment



shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough of Wellsboro the right to commence any action for enforcement pursuant to this section.

#### **17.10 Filing Fees**

Filing fees shall be payable to the Municipality and shall be received by the zoning officer. Filing fee amounts shall be established by a resolution of the Borough Council.

Any fees paid by a party for appeal of an enforcement notice to the Zoning Hearing Board, shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

# APPENDIX – SCHEDULE OF USES

USES	RR	RT	HR	CB	H	HC	C/M	HOD
Accessory Uses/Structures	P	P	P	P	P	P	P	
Adult Entertainment						CU		X
Agricultural Business	P						P	
Agricultural Operation	P							
Animal Hospital				CU		CU	CU	
Assisted Living Facility					P			
Bed & Breakfast	CU	CU	CU	P		P	P	
Communications Antennae & Equipment Buildings	P	P	P	P	P	P	P	X
Communication Tower (Height 100 Feet or Less)	P	P	P	P	P	P	P	X
Communication Tower (Height Greater Than 100 ft.)	CU							
Corrective/Penal Facility						CU		X
Crematory							P	
Cultivation of Crops (no permit req'd)	P	P						
Day Care Center		CU	CU	CU	P			
Dwelling, Garden	P	P	P					
Dwelling, Multiple Family		CU	CU	CU				
Dwelling, Single Family Detached	P	P	P					
Dwelling, Townhouse		CU						
Dwelling, Two Family	P	P	P					
Essential Services	P	P	P	P	P	P	P	
Family Based Group Home	P	P	P					X
Family Day Care Home	P	P	P			P	P	
Financial Institutions/ Office				P		P	P	
Forestry Activities	P	P	P	P	P	P	P	
Funeral Home		CU	CU			P		
Group Care Facility		CU	CU					X
Home Business								
- No Impact	P	P	P	P		P	P	
- Impact	CU	CU	CU			CU		
Home Occupation	P	P	P	P		P	P	
Hospital, Hospital Administration & Support Uses				CU	P	CU		
Hunting Camp or Seasonal Dwelling	P							
Indoor Recreation/Entertainment Facility			CU	P		P		
Industrial Park							CU	
Junkyard or Salvage Yard							CU	
Kennel	CU							
Laboratory					P		P	X
Manufactured (Mobile) Home Park	CU					CU		X
Manufacturing							P	X
Medical Marijuana Dispensary						CU		X
Medical Marijuana Grower/Processor							CU	
Medical Office Building				P	P	P		
Motel/Hotel				CU		CU		
Natural Gas Compressor Station	CU							
Nursing/Retirement/Assisted Living Facility		CU	CU		P			

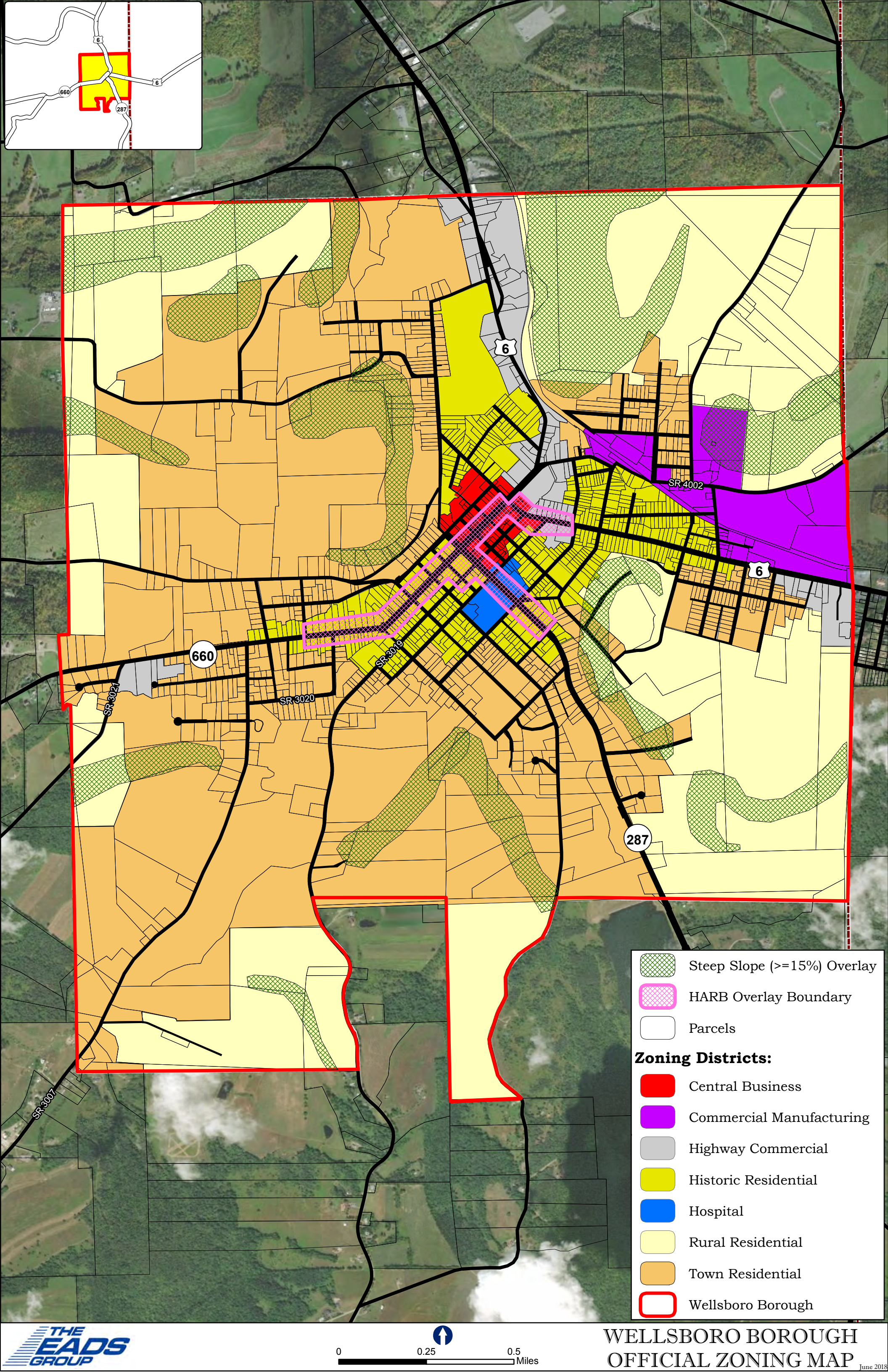
## APPENDIX – SCHEDULE OF USES


USES	RR	RT	HR	CB	H	HC	C/M	HOD
Oil or gas drilling	CU							
Oil or gas exploration	CU							
Outdoor Recreation Facilities	CU							
Parking Lot/Parking Garage (as principal use)			CU	CU	P	P	P	X
Printing, Commercial						P	P	
Professional Office	CU	CU	CU	P	P	P	P	X
Public/Semi Public Uses, Public Service Facility	CU	CU	CU	CU	P	CU	CU	
Repair Business						P	P	
Restaurant				P		P	P	
Restaurant, Drive-Through				CU		P	P	X
Restaurant, Food Truck						CU	CU	X
Retail, Neighborhood, Convenience and Specialty				P		P		
Retail, with Drive-up/Drive-Through Facilities						P	CU	X
Retail, requiring off-street parking				CU		P	CU	
Services, Business and Personal				P		P	P	
Self-Service Storage						P	P	
Shopping Center						CU		X
Short-term Rentals	CU			CU		CU		
Surface Mining	CU							
Trucking Terminal (Undefined)							CU	
Vape/Vapor Shop, Tattoo Shop/Parlor & Body Piercing Shop/Parlor				CU		P	P	X
Warehousing						P	P	X
Waste Storage or Processing Facility							CU	
Wholesale				P		P	P	


### INDEX/NOTES:


1. Zoning/Use Districts
  - RR – Rural Residential
  - RT – Residential Town
  - Historic Residential
  - Central Business
  - H – Hospital
  - HC – Highway Commercial
  - C/M – Commercial/Manufacturing
  - HOD – Historic Overlay District
2. Types of Uses
  - P – Permitted Use
  - SE – Special Exception (Reserved - None in 2018 Update)
  - CU – Conditional Use
  - X – Not Permitted
3. This summary is offered as a guide. Please refer to respective District descriptions (Articles 2 – 8 and Article 10) for detailed requirements for those Districts. Requirements/restrictions for Steep Slope Overlay District not on table due to nature of District/uses/requirements (See Article 9).







 Steep Slope ( $\geq 15\%$ ) Overlay


 HARB Overlay Boundary


 Parcels


**Zoning Districts:**


 Central Business


 Commercial Manufacturing


 Highway Commercial

 Historic Residential

 Hospital

 Rural Residential

 Town Residential

 Wellsboro Borough