

**TIONESTA BOROUGH  
FOREST COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 300  
ZONING ORDINANCE**

WHEREAS, pursuant to the Borough Code, Tionesta Borough (the "Borough") is authorized to provide for zoning within the Borough; and

WHEREAS, the Borough has previously provided for zoning within the Borough by adopting Ordinance Number 275; and

WHEREAS, Borough Council finds it necessary and appropriate to amend Ordinance No. 275 to more clearly set forth Council's intentions with regard to zoning issues, zoning districts and uses within those zoning districts; and

WHEREAS, the Borough finds it necessary and appropriate to repeal Ordinance Number 275 and to adopt a comprehensive ordinance which more fully sets forth those zoning provisions which are relevant to the Borough.

NOW, THEREFORE, be it enacted and adopted, and it is hereby enacted and adopted, by the Tionesta Borough Council, as follows:

**§100. Enactment, Title, and Purpose.**

1. Title. This Ordinance shall be known and may be cited as the "Tionesta Borough Zoning Ordinance" (the "Ordinance").
2. Effective Date. This Ordinance shall take effect upon adoption.
3. Purpose and Authority. This Ordinance is adopted by virtue of the authority vested in the Borough and set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, for the purpose of protecting the public health, safety, morals and general welfare.
4. Community Development Objectives. This Ordinance and accompanying Zone District Map are intended to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements as well as preventing the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. The specific objectives upon which this Ordinance has been based include the following:

A. To support and encourage order and beauty in the growth of Tionesta Borough's environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate public utilities and facilities.

B. To encourage future land development to complement a logical, harmonious and efficient pattern of future Borough growth.

C. To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units.

D. To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry in the Borough.

E. To guide commercial development in such a way as to minimize adverse influence on adjacent roads or land values; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate roadway access.

F. To protect property values to insure a suitable, attractive and efficient community environment.

G. To encourage development of integrated and cohesive development and to foster growth in those areas best suited and situated for such uses.

H. To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.

I. To preserve wetlands, aquifers, forests, floodplains and farmland.

J. To establish zone districts for business and industry which will capture the economic development potential of U.S. Route 62 and PA Route 36.

#### **§101. Establishment of Zoning Districts and Maps.**

1. Establishment of Zoning Districts. The Borough of Tionesta shall hereby be divided into the following Zoning Districts:

- SF – Single-Family Residential
- MF – Multi-Family Residential
- B – Business
- HC – Highway Commercial
- I - Industrial
- C – Conservation

2. Incorporation of Zone District Map. A map entitled "Tionesta Borough Zone District Map" is hereby adopted as part of this ordinance. The official Zone District Map shall be kept on file, available for examination at the Tionesta Borough Office.

**§102. District Boundaries.** The boundaries between districts are center lines of streets, alleys, streams or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the Zone District Map. Any person aggrieved by the interpretation of the Zone District Map by the Zoning Officer concerning the location of the district boundary may appeal to the Zoning Hearing Board, and the Zoning Hearing Board shall determine the location of the district boundary.

**§103. District Regulations.** Lot and yard dimensions, maximum height of structures and maximum lot coverage for each district are specified in Chapter 9 (§900). Permitted uses, special exceptions and conditional uses for each district are set forth in the pertinent Chapters of this Ordinance. Any use not expressly listed for a district is

prohibited in that district. Conditional uses require the approval of the Borough Council after recommendation by the Planning Commission. Special exceptions require the approval of the Zoning Hearing Board after recommendations by the Planning Commission. Permitted uses require only that normal application procedures be followed, and uses which are normally accessory to the declared permitted uses are also permitted.

**SINGLE-FAMILY (SF)  
RESIDENTIAL DISTRICT  
TABLE**

**§103.1**

<b><u>Permitted Uses</u></b> (See §301.)	<b><u>Special Exceptions</u></b> (See §301.2)	<b><u>Conditional Uses</u></b> (See §301.3)
Single-Family Dwelling	Municipal Buildings	Nursing Home or Skilled Nursing Facilities
Tiny Home	Country Clubs & Lodges	Personal Care Homes
Public & Parochial Schools	Funeral Homes	Bed & Breakfast/Rooming and Boarding Houses
Churches	Fire Stations	Multi-Family Dwelling
Libraries	Sewage Treatment Plants	Professional Offices
Public Grounds	Nursery Schools & Day Care Centers	Medical Clinics
Signs		Home Occupations/Office, Residential
Water Recreation & Storage		Hospitals
No-Impact Home-Based Business		Reception Hall/Wedding Barn/Banquet Hall
Essential Services		
Accessory Uses		

**MULTI-FAMILY (MF) RESIDENTIAL  
DISTRICT TABLE**

§103.2

<b>Permitted Uses</b> (See §401.1)	<b>Special Exceptions</b> (See §401.2)	<b>Conditional Uses</b> (See §401.3)
Single-Family Dwelling	Bed & Breakfast/Rooming and Boarding Houses	Public Utility Buildings
Multi-Family Dwelling	Nursery Schools & Day Care Centers	Nursing Home or Skilled Nursing Facilities
Tiny Home	Funeral Homes	Hospitals
Public & Parochial Schools	Fire Stations	Medical Clinics
Public Grounds	Sewage Treatment Plants	Reception Hall/Wedding Barn/Banquet Hall
Libraries	Municipal Buildings	Home Occupations/Office, Residential
Professional Offices	Country Clubs & Lodges	Cemeteries
Signs	Group Homes	Any Conditional Use in SF
Churches	Personal Care Homes	
No-Impact Home-Based Business	Any Special Exception in SF	
Essential Services		
Water Recreation & Storage		
Accessory Uses		
Any Permitted Uses in SF		

**BUSINESS (B) DISTRICT TABLE**

<u>Permitted Uses</u> (See §501.1)	<u>Special Exceptions</u> (See §501.2)	<u>Conditional Uses</u> (See §501.3)
Residence as secondary use (above the first floor)	Building Supply Yards	Light Warehousing
Tiny Home	Service Stations	Sewage Treatment Plants
Retail Business	Commercial Parking & Commercial Parking Facilities	Fire Stations
Eating and Drinking Establishments – Dine-in	Car Washes	Public Utility Building
Professional Offices	Auto Sales, Service & Repair	Hospitals
Personal Services	Eating & Drinking Establishments – Drive-In or Drive-Thru Types	Cemeteries
Commercial Schools		Personal Care Homes
Commercial Indoor Amusement		Reception Hall/Wedding Barn/Banquet Hall
Hotels & Motels		Any Conditional Use Defined in MF
Clubs		
Therapeutic Massage		
Trailer Sales & Display		
Medical Clinics		
Animal Clinics		
Municipal Buildings		
Signs		
Water Recreation & Storage		
Essential Services		
Accessory Uses		
Short-Term Rental		
Single Family Dwelling		
Public & Parochial Schools		
Churches		

Libraries		
Public Grounds		
Home Occupations/Office, Residential		
Multi-Family Dwelling		
Bed & Breakfast/Rooming and Boarding Houses		

INDUSTRIAL (D) DISTRICT TABLE

<u>Permitted Uses</u> (See §601.1)	<u>Special Exceptions</u> (See §601.2)	<u>Conditional Uses</u> (See §601.3)
Research and Testing Laboratories	Sawmills & Lumber Storage Yards	Public Utility Buildings
Professional Offices	Building Supply Yards	Sewage Treatment Plant
Municipal Buildings	Auto Sales, Service & Repair	Heavy Manufacturing
Rental Service and Equipment		Bulk Fuel Storage
Warehousing & Distribution	Individual Mobile Homes	Mineral Excavations
Truck Stop and Truck Terminals	Mobile Home Parks	Therapeutic Massage
Wholesale Establishments		Multi-Family Dwellings
Water Storage Tanks		Home Occupations/Office, Residential
Oil and Gas Well Operations		Bed & Breakfast/Rooming and Boarding Houses
Signs		Fire Stations
Light Manufacturing		Hospitals
Essential Services		Cemeteries
Water Recreation and Storage		Personal Care Homes
Transient Trailer/Camp/Recreational Vehicle (RV) Park		No-Impact Home-Based Business
Short-Term Rentals		Reception Hall/Wedding Barn/Banquet Hall
Medical Clinics		Any Conditional Use defined in MF or B-Business Districts
Animal Clinics		Junkyard
Tiny Homes		Solid Waste Processing and Disposal
Therapeutic Massage		

**HIGHWAY COMMERCIAL (HC) DISTRICT  
TABLE**

**§103.5**

**Same permitted uses in the B-Business District EXCEPT Property and business **MUST** front Elm Street**

<b>Permitted Uses</b> (See §801.1)	<b>Special Exceptions</b> (See §801.2)	<b>Conditional Uses</b> (See §801.3)
Residence as secondary use (above the first floor)	Building Supply Yards & Contractor Yards	Light Warehousing
Retail Business	Service Stations	Sewage Treatment Plants
Eating and Drinking Establishments – Dine-in	Commercial Parking & Commercial Parking Facilities	Fire Stations
Professional Offices	Car Washes	Public Utility Buildings
Personal Services	Auto Sales, Service & Repair	Adult Business, Adult Motion Picture Theater, Adult Peep Shows
Commercial Schools	Eating & Drinking Establishments (Drive-Thru or Drive-In)	Multi-Family Dwelling
Commercial Indoor Amusement		Bed & Breakfast/Rooming and Boarding Houses
Hotels & Motels		Reception Hall/Wedding Barn/Banquet Hall
Clubs		Any Conditional Use Defined in MF
Trailer Sales & Display		
Medical Clinics		
Animal Clinics		
Municipal Buildings		
Signs		
Water Recreation & Storage		
Essential Services		
Accessory Uses		
Short-Term Rental		
Therapeutic Massage		

**CONSERVATION (C) DISTRICT  
TABLE**

**§103.6**

<u>Permitted Uses</u>	<u>Special Exceptions</u>	<u>Conditional Uses</u>
(See §701.1)	(See §701.2)	(See §701.3)
Agricultural Operation	Individual Mobile Homes	Mobile Home Parks
Single-Family Dwelling	Nursery Schools & Day Care Centers	Multi-Family Dwellings
Public & Parochial Schools	Group Homes	Nursing Home or Skilled Nursing Facilities
Libraries		Personal Care Homes
Municipal Buildings		Hospitals
Public Utility Buildings		Medical Clinics
Churches		Sewage Treatment Plants
Signs		Mineral Excavations
Camps		Sanitary Landfills
Specialized Animal Raising and Care		Adult Business, Adult Motion Picture Theater, Adult Peep Shows
Nurseries & Greenhouses		Bed & Breakfast/Rooming and Boarding Houses
Country Clubs & Lodges		Reception Hall/Wedding Barn/Banquet Hall
Radio or TV - Transmission or Boosting Stations		Home Occupations/Office, Residential
Water Recreation & Storage		Therapeutic Massage
Cemeteries		Fire Stations
Animal Clinics		
Essential Services		
Accessory Uses		
Transient Trailer/Recreational Vehicle (RV) Camp/Park		
Short Term Rentals		
Tiny Homes		
Funeral Homes		

**§104. Application of Regulations.**

1. General Application – Except as hereinafter provided:

A. No building, other structure or land shall hereafter be used or occupied, and no building or other structure, or parts thereof, shall be erected, relocated, altered, extended or enlarged unless in conformity with the use, height and area regulations specified herein for the district in which such building, other structure or land is located, and in conformity with all other regulations of this Ordinance.

B. No structure shall be located, erected, constructed, reconstructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

C. No lot area shall be reduced or diminished so that the yards or other open space thereon shall be less than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with area requirements herein established. If, on the effective date hereof or of any subsequent amendments hereto increasing the area or open space requirements, the lot area or required open spaces are less than the minimum required by this Ordinance, such area or open space shall not be further reduced.

D. No yard or other open space provided on one lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space required on any other lot.

E. Unless otherwise specified herein, the requirements for area, width and open space shall be deemed to be minimum requirements.

2. Commencement of Construction. Nothing contained in this Ordinance shall prevent the construction of a building or other structure which is made nonconforming by this Ordinance, or subsequent amendments hereto, provided that either:

A. Construction of the foundation shall have been lawfully commenced prior to the adoption of the previous zoning ordinances, being Ordinance No. 201 adopted July 14, 1992, and construction has thereafter been diligently prosecuted; or

B. The Zoning Hearing Board makes a finding that substantial expenditures have been made or substantial financial obligations have been incurred for such nonconforming building or structure prior to the nonconforming date.

3. Severability. It is hereby declared to be the intent of Borough Council that:

A. If a court of competent jurisdiction finds any provisions of this Ordinance invalid in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of this Ordinance shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provisions of this Ordinance to any building, structure or tract of land to be invalid in whole or in part, the effect of such decision shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

**§105. Special Criteria for Conditional Uses and Special Exceptions.**

1. Conditional uses must be granted or denied by Borough Council after a review and recommendations by the Tionesta Borough Planning Commission. In addition to determining compliance of the proposed conditional use with these guidelines and expressed criteria as set forth in this ordinance, Borough Council may also set forth reasonable conditions for approval which it feels are necessary to preserve and protect the neighborhood and community. See Chapter 14.

2. Special exceptions may be granted by the Zoning Hearing Board after review and recommendations by the Borough Planning Commission in accordance with these express standards and criteria. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and to protect the neighborhood. The preservation and integrity of existing development in neighborhoods must be carefully weighed and given priority in each decision. See Chapter 15.

3. Conditional uses (See Chapter 14) and special exceptions (See Chapter 15) must satisfy all other requirements for the zone district in which they are to be located.

## **CHAPTER 2**

### **Definitions**

#### **§200. Definitions.**

Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Words followed by "(MPC)" indicate that the definition is established by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**ACCESSORY USE:** A use that is subordinate to and serves the principal use or building which must be located on the same lot with such principal use or building and under the same ownership as the lot on which the principal use is located.

**ADULT BUSINESS(ES), ADULT MOTION PICTURE THEATER, ADULT PEEP SHOWS:** An enclosed building where material, including live shows, film, television, video tape or printed material is offered for sale or viewing which places emphasis on the depiction or description of a person or persons engaged in any form of sexual activity.

**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.

**ALLEY:** A narrow service-way providing a secondary public means of access to abutting properties.

**ANIMAL CLINIC:** A structure used for veterinary care of sick or injured animals, staffed by a licensed veterinarian. The boarding of animals is limited to short-term care and is accessory to the principal use.

**APPLICANT (MPC):** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**AREA:** The area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

**BASEMENT:** A story having more than 50% of its clear height below the average level of the surrounding ground.

**BED & BREAKFAST/ROOMING AND BOARDING HOUSE:** A building where lodging is provided, for compensation.

**BOARD:** The Zoning Hearing Board of the Borough of Tionesta, Forest County, Pennsylvania, or anybody granted jurisdiction under this Ordinance or another land use ordinance as provided by the Municipalities Planning Code to render final adjudications.

**BOROUGH:** Tionesta Borough, Forest County, Pennsylvania.

**BOROUGH COUNCIL:** The Council of Tionesta Borough, Forest County, Pennsylvania.

**BUILDING:** A roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods, materials or animals.

**BUILDING HEIGHT:** The vertical distance from the average elevation at grade level to the highest point of the roof.

**BUILDING SUPPLY YARD -** A building or structure in which construction and home improvement products, tools, equipment and materials are stored and offered for retail sale, and may include the assembly and fabrication of materials related to construction and home improvements.

**BUILDING OR SETBACK LINE:** An imaginary line parallel to or concentric with the nearest road right-of-way line representing the minimum distance any portion of a building foundation or wall must be from the lot line than the required front yard depth.

**BUSINESS SERVICE:** Any business activity which renders service to other commercial or industrial enterprises.

**CAMP:** A simple building for temporary lodging of sportsmen, fishermen, campers, hunters or families for temporary occupancy; does not include vacation cottages or other dwellings designed for family living quarters.

**CAR WASH:** An area of land and/or a structure with machine and/or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**CARTWAY:** That portion of a road which is paved, graded or improved for travel by vehicles.

**CEMETERY:** A place for use by the general public, a neighborhood, or a church for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium, or other receptacle in which plots or sites are sold and for sale to the general public and which is registered and/or licensed as required by federal, state, or local law. This does not include a private family cemetery or family cemetery lot which is prohibited and which is defined as being a place for the disposal or burial of deceased human beings in which no lots are sold to the public and in which interments are restricted to an individual or to a group of persons who are related to each other by blood or marriage.

**CHURCH:** A place of religious instruction or public worship.

**CLUB:** An establishment operated by an organization for social, recreational, educational and fraternal purposes, open only to members and their guests and not the general public, but not including Country Clubs and Lodges.

**COMMERCIAL INDOOR AMUSEMENTS:** Video arcade, bowling alley/center, electronic game center, pool hall, dance hall, paintball center, a virtual reality arcade and similar uses.

**COMMERCIAL PARKING AND COMMERCIAL PARKING FACILITY:** Any place within the Borough, whether wholly or partially enclosed or open, at which motor vehicles are parked or stored for any period of time in return for consideration, but not including: (1) Any parking area or garage to the extent that it is provided or leased to occupants of a residence on the same or other premises for use only in connection with and as accessory

to the occupancy of such residence. (2) Any parking area or garage operated exclusively by an owner or lessee of a hotel, tourist court or trailer park, to the extent that the parking area or garage is provided to guests or tenants of such hotel, tourist court or trailer park for no additional consideration.

**COMMERCIAL SCHOOL:** A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

**COMMISSION (or PLANNING COMMISSION):** The Tionesta Borough Planning Commission of Forest County, Pennsylvania.

**CONDITIONAL USE (MPC):** A use permitted in a particular zoning district pursuant to relevant provisions of this Ordinance and the Planning Code.

**COUNTRY CLUB and LODGES:** A clubhouse or lodge and grounds, offering various activities and facilities for its members and/or guests.

**COVERAGE:** That percentage of the lot area (exclusive of any portions of the right-of-way of any road) covered by principal and accessory use structures.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under this Ordinance or the Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and Judicial District having jurisdiction in Tionesta Borough.

**DENSITY:** The number of families housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of the right-of-way of any road.

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

**DWELLING:** A building or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit providing complete living, sleeping and eating facilities, including kitchen and bathroom facilities that are not in common with any other dwelling unit.

**DWELLING, MULTI-FAMILY:** A building arranged or used as a residence for two or more families living independently of each other and each having its own cooking facilities therein, including apartment houses, apartment hotels, flats and group houses.

**DWELLING, SINGLE-FAMILY:** A detached building arranged or used for occupancy by one family situated on a permanent foundation.

**DWELLING UNIT:** One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

**EATING AND DRINKING ESTABLISHMENTS (DRIVE-IN or DRIVE-THRU TYPES):** A restaurant consisting of a building or facility, such as a tent or shed, and adjoining parking area principally devoted to the

retail sale of prepared or premeasured food and beverage items where such items are ordered by the customer at a window, counter, or vehicle rather than from a table and which is designed to facilitate quick service.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

**FAMILY:** One (1) or more persons related by blood, marriage, adoption, or foster child care including domestic servants or gratuitous guests, or a group of not more than five (5) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. §3601 et seq., as now or hereafter amended), living together in a group living arrangement with supervision. Family shall not include persons living together in a Group Home, Nursing Home or Skilled Nursing Facilities, Personal Care Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

**FLOOR AREA (HABITABLE):** The enclosed area of a building designed and intended for all season use of human inhabitants.

**GARAGE REPAIR (See also "service station"):** Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

**GROUP HOME:** A facility providing living space on a long-term basis for up to 2 occupants per bedroom. The facility generally provides central cooking and dining facilities as well as other forms of supervised living activities or guidance. The facility may be operated for profit or by a nonprofit group or organization to serve a group of persons. The principal difference between bed and breakfast/rooming and boarding houses and group homes includes the level of supervised services and the method of selection of a group of persons to reside in the home. Persons in a group home are placed therein by a court or governmental unit or agent of a governmental unit. All regulations regarding residential use in a MF District shall be followed in the use of group homes and, in addition, twenty-four (24) hour per day supervision shall be provided in all group homes. Also, evidence of required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite to obtaining a Certificate of Occupancy.

**HAZARDOUS WASTE:** A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

**HEARING (MPC):** An administrative proceeding conducted by the Board, Borough Planning Commission or Borough Council pursuant to the Planning Code, as amended.

**HEAVY MANUFACTURING:** The manufacture of products, the process of which generates fumes, gases, smoke, vapors, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

**HOME OCCUPATION/OFFICE, RESIDENTIAL:** The use of a building by an owner or a tenant of the property which is used primarily for dwelling and which is also used for certain occupational purposes. The area devoted to occupational use shall not exceed fifty percent (50%) of the gross floor area of the home where this is no accessory use and no more than thirty percent (30%) of the gross floor area of the home and accessory use, nor shall it necessitate making external alterations which are not customary to a residential building. A home occupation may also be carried on in an approved accessory building which is clearly subordinate to the dwelling and which use does not change the property's residential character. Home Occupations shall be limited to the practice of a profession by a physician, surgeon, dentist, lawyer or person providing similar services; art and music studios; dress makers; barber shops; beauty shops; or the conducting of a business in which the primary functions of consulting, record keeping, clerical work and sales are performed. The 6' screening requirement may be waived by the Zoning Officer if topographical conditions permit or require and if deemed appropriate by the Zoning Officer.

**HOSPITAL:** An institution in which sick or injured persons are given medical or surgical treatment.

**HOTEL:** A building containing sleeping rooms principally for the use of transients and sometime containing accessory uses, such as kitchen and dining facilities, lounge, meeting rooms, convention facilities, and other commercial uses.

**JUNKYARD:** Land or structures used for the collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, wastepaper, glass, rags, containers and other discarded materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**RESEARCH AND TESTING LABORATORIES:** An establishment engaged in conducting basic, applied, industrial or scientific research, other than medical testing, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, but excluding production of products used primarily or customarily for sale or for use in non-prototype production operations. The term also includes medical laboratories where prosthetic devices or medical testing takes place exclusively on the written work order of a licensed member of the dental or medical profession.

**LANDOWNER (MPC):** The legal, equitable, or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LAND DEVELOPMENT (MPC):**

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

**LAND USE ORDINANCE:** Any ordinance or map adopted pursuant to the Planning Code to enact an official map, zoning or subdivision and land development regulations.

**LIGHT MANUFACTURING:** The processing or fabrication of certain materials and products which does not produce noise, vibration, air pollution, fire hazards or other disturbances or danger to neighboring properties, including production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing or rendering of fats).

**LIGHT WAREHOUSING:** Light or limited storage which shall not function as a warehouse or wholesale facility where the frequent movement of goods or vehicles occurs. No warehouse shall front on a major street but will use rear buildings or the rear portion of buildings only. Access shall be via Alleys or other type of secondary streets only.

**LOADING SPACE:** A portion of a lot usable for the standing, loading or unloading of motor vehicles, and having a minimum dimension of 12 feet by 60 feet with a vertical clearance of 14 feet.

**LOT (MPC):** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT, AREA OF:** The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, CORNER:** A lot at the junction of and fronting on two or more intersecting street rights-of-way.

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot line.

**LOT OF RECORD:** Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Forest County as of the date of enactment of this Ordinance.

**LOT, WIDTH OF:** The mean width measured at right angles to its depth.

**MEDIATION (MPC):** A voluntary negotiating process pursuant to the Planning Code in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MEDICAL CLINIC:** Any establishment where human patients are examined and treated by doctors, dentists, or their assistants but not hospitalized overnight.

**MOBILE HOME – INDIVIDUAL (MPC):** A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT (MPC):** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK (MPC):** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL:** A building containing sleeping rooms principally for the use of transients and sometime containing accessory uses, such as kitchen and dining facilities, lounge, meeting rooms, convention facilities, and other commercial uses.

**NO-IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted by an owner or a tenant of the property as an accessory use which is clearly secondary to the use as a residential dwelling and which involves minimal 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.

**NONCONFORMING LOT (MPC):** A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, as amended, 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 (MPC):** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE (MPC):** A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NURSING HOME or SKILLED NURSING FACILITY:** Premises in which nursing care and related medical or other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not relatives of the operator and who are not acutely ill or in need of hospitalization but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care and which includes a building or buildings with sleeping rooms where person are housed or lodged and furnished with meals, nursing care for hire, and which is approved by the Commonwealth of Pennsylvania for such use. Evidence of required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite to obtaining a Certificate of Occupancy.

**OIL AND GAS WELL OPERATIONS:** The drilling and operations required for locating, producing, extracting or injecting any gas or petroleum as regulated by the Oil and Gas Act (58 P.S. 601.101 et seq.). This does not include drilling to produce potable water to be used as such.

**PERMITTED USE:** Any use of land and/or building(s) in a zone district which is in conformity with the provisions of this Ordinance.

**PERSONAL CARE HOME:** A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for no more than 2 occupants per bedroom who are not

relatives of the operator, who do not require the services in or of a Nursing Home, Skilled Nursing Facility, or any type of licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, cooking, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration. Evidence of any required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite to obtaining a Certificate of Occupancy.

**PERSONAL SERVICES:** Any enterprise conducted for humans which primarily offers services to the general public, such as shoe repair, valet services, watch repairing, barber shops, beauty salons, tailoring and related activities.

**PLANNING CODE:** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as the same has been and may be amended from time to time.

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

**PROFESSIONAL OFFICES:** Offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers, accountants and similar professions.

**PUBLIC GROUNDS (MPC):** Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
3. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING (MPC):** A formal meeting held pursuant to public notice by the Borough Council, the Board, or the Borough Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Planning Code.

**PUBLIC MEETING:** A forum held pursuant to notice under the Pennsylvania Sunshine Act, as amended.

**PUBLIC NOTICE (MPC):** A notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 UTILITY BUILDING:** Any administrative building, maintenance building, garage or other building intended for use or storage of movable equipment owned or operated by a utility company regulated by the Public Utility Commission (PUC); or any building or structure owned or operated by a utility company regulated by the Public Utility Commission (PUC) or any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or inter-municipal distribution of essential services, as defined herein, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas

or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

**RADIOACTIVE WASTE:** Any material solid, liquid or gas of which one or more constituents exhibit radioactivity or are capable of emitting ionizing radiation.

**RECEPTION HALL/WEDDING BARN/BANQUET HALL:** A hall or similar structure, whether indoor or all or partially outdoors, intended to be rented for profit to the general public for holding celebratory events such as receptions, parties, weddings, shows and public events.

**RENTAL SERVICE AND EQUIPMENT:** a person or company that provides furniture, goods, machinery, equipment and tools of all kinds and sizes for a limited period of time to temporary users.

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any Decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**ROAD:** The entire right-of-way of a public or private street or highway.

**SCREENING:** Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six feet (6') high established and maintained in such a way that it will block the sight of the area being screened. Screening may consist of one or several rows of bushes or trees or of a constructed fence or wall.

**SERVICE STATION:** A retail place of business engaged primarily in the sale of motor fuels, but which may also supply goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include selling petroleum products; selling and/or servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; performing minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

**SHORT-TERM RENTAL:** The act of offering temporary living quarters within a dwelling unit by the owner or owner's agent of the dwelling unit for a period of less than thirty (30) days, for a negotiated price, to a potential occupant, with or without the mediating use of an agent, booking agent, or company.

**SIGN:** Any structure or device intended to attract attention by word or graphic display.

**SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**SOLID WASTE PROCESSING AND DISPOSAL:** Any technology used for the purpose of reducing the volume of municipal or residual waste for off-site reuse and/or the incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth. "Solid waste," as defined by this Chapter shall not include hazardous or radioactive waste.

**SPECIAL EXCEPTION (MPC):** A use permitted in a particular zoning district pursuant to the provisions of this Ordinance and the Planning Code.

**SPECIALIZED ANIMAL RAISING AND CARE:** The use of land and structure(s) for the raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird-raising or similar operations for profit, not including family pets.

**STORY:** The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be considered as a "story" if more than 50% of its clear height is above finished grade or if it is used for business or dwelling purposes.

**STRUCTURE (MPC):** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SWIMMING POOL:** An artificial outdoor pool used or intended to be used solely by the owner of a residential property, his family or tenants, or by guests invited to use it without the payment of any fee.

**THERAPEUTIC MASSAGE:** Therapeutic Massage is a type of treatment in which a trained and certified medical professional manipulates the soft tissues of your body muscle, connective tissue, tendons, ligaments and skin using varying degrees of pressure and movement. Massage is generally considered part of complementary and integrative medicine.

**TINY HOME:** A dwelling that is 400 square feet or less in floor area, excluding lofts.

**TRANSIENT TRAILER/RECREATIONAL VEHICLE (RV) PARK:** A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. No residential uses shall be permitted. Transient Trailer/Recreational Vehicle (RV) Parks shall be designed to serve the placement of Recreational Vehicles. No Recreation Vehicle shall be used as a permanent place of abode, dwelling or business.

**TRAVEL TRAILER/RECREATIONAL VEHICLE (RV):** A vehicular type unit without permanent foundation, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

**TRUCK STOP:** A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

**TRUCK TERMINAL:** A facility to accommodate the service and repair of trucks and associated motorized equipment and which may incidentally provide for warehousing activities and facilities.

**VARIANCE (MPC):** Relief granted by the Board pursuant to the provisions of this Ordinance and the Planning Code where, due to physical circumstances or conditions unique to a particular property, an unusual hardship is imposed on the applicant by the provisions of this Ordinance.

**WAREHOUSING AND DISTRIBUTION:** A use engaged in storage, wholesale, and/or distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or

explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

**WATER RECREATION AND STORAGE:** Major recreational equipment used or enjoyed while in water which, for purposes of these regulations, includes boats, jet skis, motorized rafts, and trailers and the like used for transporting water recreation equipment, whether occupied by such equipment or not.

**WHOLESALE ESTABLISHMENTS:** A person or company that sells goods in large quantities at low prices, typically to retailers.

**YARD:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the structure.

**YARD, FRONT:** An open space extending the full width of the lot between the building and the road right-of-way.

**YARD, REAR:** An open space extending the full width of the lot between the building and rear lot line.

**YARD, SIDE:** An open space extending from the front yard to the rear yard between a structure and nearest side lot line.

**ZONE DISTRICT MAP:** The map containing the zone districts of Tionesta Borough, Forest County, Pennsylvania, together with all supplements and amendments subsequently adopted.

**ZONING CERTIFICATE:** The written authorization issued by the Zoning Officer, for the use of land, or building or other structures.

**ZONING OFFICER:** The Zoning Officer or authorized representative appointed by the Tionesta Borough Council, Forest County, Pennsylvania.

**CHAPTER 3**  
**Single Family (SF) Residential District Regulations**

**§300. SF Single Family Residential District Intended Purpose.**

It is the purpose of this district to accommodate a medium-low density development of primarily residential usage, but recognizing a wide range of usages not necessarily detrimental to the primary use. It is composed of areas of the Borough where such developments are now located. The regulations for these districts are intended to protect and stabilize the prevailing characteristics and to offer diversity in land use necessary for a viable community.

**§301. Permitted Uses and Structures.**

1. SF Single Family Principal Uses.

A. Single Family Dwelling

B. Tiny Home. Which must satisfy all of the following requirements:

i. If a Tiny Home is mobile, meaning the owner may remove it from the Borough lot and move it from place to place, then a Tiny Home can be located only in a TRANSIENT TRAILER/RECREATIONAL VEHICLE (RV) PARK which is permitted only in the Industrial District and the Conservation District.

ii. If a Tiny Home is permanent, it must not have wheels or the ability to be mobile.

iii. If a Tiny Home is permanent and if public water and/or sanitary sewer services are available to the site and connection is required by law, connection shall be made; otherwise, a water source and/or a permitted and approved on-lot septic is required.

iv. If a Tiny Home is permanent, this use is permitted in all districts because it would qualify as a single-family dwelling. All other regulations and setback requirements pertaining to single family dwellings must be satisfied.

C. Public & Parochial Schools

D. Churches

E. Libraries

F. Parks and Playgrounds

G. Water Recreation & Storage

H. No-Impact Home-Based Businesses which must satisfy all of the following requirements:

i. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

ii. The business shall employ no employees other than family members residing in the dwelling.

iii. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

iv. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.

v. 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.

vi. 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.

vii. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.

viii. The business may not involve any illegal activity.

I. Essential Services

J. Accessory Buildings & Accessory Uses

K. Signs. See Supplemental Regulations §1004

2. SF Single Family Uses by Special Exception

A. Municipal Buildings

B. Country Clubs and Lodges

C. Funeral Homes which must satisfy all of the following requirements:

i. There shall be no receiving vault, preparation room or display of merchandise, except for monuments, or advertising visible from outside the principal building.

ii. There shall be a minimum of 5,000 square feet of off-street parking, but in no event less than required by Chapter 11.

iii. Parking areas must be effectively screened from neighboring residential properties as defined in this Ordinance.

D. Fire Stations and Sewage Treatment Plants which must satisfy all of the following requirements:

i. The lot requirements contained in Chapter 9 must be met.

ii. Landscaping must be included and placed to preserve the residential character of the neighborhood.

iii. Sewage treatment plants shall be enclosed by a security fence, the height of which shall be adequate to provide proper security for the installation. In the interest of public safety, height limitations otherwise specified herein shall not apply.

iv. No outdoor storage shall be permitted.

E. Nursery Schools and Day Care Centers which must satisfy all of the following requirements:

i. Any outdoor play area shall be adequately screened, as defined in this Ordinance.

ii. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children for the safety of the children and the protection of the neighborhood.

iii. One parking space for each employee shall be required.

3. SF Single Family Uses by Conditional Uses

A. Hospital, Nursing Home or Skilled Nursing Facilities which must satisfy all of the following requirements:

i. All parking and loading/unloading requirements as required by Chapter 11 of this Ordinance shall be satisfied.

ii. Buildings shall be so located as to be readily accessible from streets that are adequate to handle anticipated traffic.

iii. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.

iv. All parking areas which abut residential uses shall be adequately screened as defined in this Ordinance.

v. Any outdoor lighting shall be designed and placed to prevent glare to adjoining properties.

vi. Evidence of required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite to obtaining a Certificate of Occupancy.

B. Personal Care Homes which must satisfy all of the following requirements:

i. There shall be no sign or exterior display indicating the name of the home or its use.

- ii. Evidence of required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite for obtaining a Certificate of Occupancy.
  - iii. Adequate parking and loading facilities shall be provided in accordance with the requirements of Chapter 11.
- C. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the following requirements:
- i. All certifications and Borough code requirements must be satisfied.
  - ii. Not more than three (3) occupants are permitted per room.
  - iii. The character of the surrounding neighborhood is not adversely affected.
  - iv. Off-street parking for all occupants is provided. Parking areas may not utilize the required front yard and must be screened from adjacent residential uses as defined in this Ordinance.
- D. Multi-Family Dwellings which must satisfy all of the following requirements:
- i. Off-street parking facilities shall be provided as required by Chapter 11 of this Ordinance. In no event shall the required front yard be used for vehicular parking.
  - ii. If public water and/or sanitary sewer services are available to the site and connection is required by law, connection shall be made; otherwise, a water source and/or a permitted and approved on-lot septic system is required.
  - iii. Only buildings erected prior to 1990 may apply for and be accepted as a Multi-Family dwelling.
  - iv. Only buildings which were not originally designated or constructed for use as a single-family home may apply for and be accepted as a Multi-Family dwelling.
- E. Professional Offices which must satisfy all of the following requirements:
- i. Off-street parking facilities shall be provided as required by Chapter 11.
  - ii. Only buildings erected prior to 1990 may apply for and be accepted as a Professional Office Conditional Use.
  - iii. Only buildings which were not originally designated or constructed for use as a single-family home may apply for and be accepted as a Professional Office Conditional Use.
- F. Medical Clinics which must satisfy all of the following requirements:

- i. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.
  - ii. All lighting shall be so designed and placed to prevent glare to adjoining properties.
  - iii. Any parking area next to a residential use shall be screened as defined in this Ordinance.
- G. Home Occupations/Office, Residential which must satisfy all of the following requirements:
  - i. In addition to providing the required parking spaces for residents of the dwelling unit, off street parking must be provided for employees and customers in accordance with the criteria set forth in this Chapter or in Chapter 11 of this Ordinance. Off-street parking shall not be located in the front yard and will be adequately screened from adjoining residences regardless of the number of parking spaces provided, as defined in this Ordinance.
  - ii. No more than one (1) employee who is not a family member of the landowner shall participate or work in the Home Occupation.
  - iii. No Home Occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. No offensive odor, vibration, smoke, dust, heat, noise or glare shall be produced. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive body work and similar undertakings.
  - iv. The nature of the Home Occupation shall not change the outward characteristics of the home as a residential unit. There shall be no exterior storage of material and no exterior indication of the Home Occupation or variation from the residential character of the principal structure.
  - v. One (1) sign no larger than two (2) square feet may be used to announce the name or purpose of the Home Occupation.
  - vi. Home Occupations shall not operate before 8:00 a.m. nor after 9:00 p.m.
  - vii. No more than one (1) home occupation per dwelling shall be permitted.
- I. Reception Hall/Wedding Barn/Banquet Hall which must satisfy all of the following requirements:
  - i. Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighting scale at a distance of fifty (50) feet from any property line of the property on which the noise source is located shall not be permitted.

- ii. All lots on which this type of use is located must be at least five (5) acres in size and must have a minimum setback of fifty (50) feet along all boundaries of the perimeter of the property
- iii. An opaque fence and/or evergreen plantings erected and maintained at a height of no less than six (6) feet in height shall be located along the side and rear property lines when such lines abut a residential use or residential district.
- iv. For new construction or the rehabilitation of an existing property for this type of use, the building plan, including the proposed parking area, shall be submitted to the Zoning Officer at the time of the application for the building permit. Said plan shall clearly indicate the proposed development, including location, size, shape, design, curb cut, lighting, landscaping, construction details and other features and appurtenances required. All traffic control devices, such as parking stripes and directional arrows, and other developments, shall be installed and completed as shown on the approved plan. This plan shall be approved by the Zoning Officer by a signature and date of approval. A copy shall be returned to the applicant and a copy shall be filed with the building permit application.
- v. If minimum parking requirements cannot be met for any use which does not require overnight parking, a variance may be requested.
- vi. Lighting shall be of the cutoff-luminary type with no fixture mounted more than eight (8) feet off the ground, and the pool of light cast by any fixture shall be contained entirely within the property on which the fixture is located.

#### 4. SF Single Family Accessory Uses

##### A. Swimming Pools:

- i. This Ordinance shall apply to all outdoor swimming pools constructed or erected and to all existing swimming pools that are altered, remodeled, improved, modified, or in any way changed after the adoption of this Ordinance, whether above ground or in the ground, and having a depth of twenty-four (24) inches or more at any one point.
- ii. Before any work is commenced on the construction of a swimming pool or on any alteration, remodeling, improvement, modification, or change to a swimming pool, an application for a permit for construction, together with plans and specifications shall be submitted to the zoning officer. No part of the work shall be commenced until approval has been granted the applicant by a written permit. The permit application shall be accompanied by a fee as set by the Borough Council. The plan shall show the location of all buildings and the proposed pool on the property, distances to all property lines in the immediate vicinity of the swimming pool and dwelling, and the location of wells, water lines and sewage disposal system.
- iii. A swimming pool shall be located at the rear of a dwelling or along the side of the dwelling where practical. No swimming pool or appurtenances including decks and shelters shall be erected nearer to any property line than a building could be erected in the

same use district as set forth in the zoning ordinance. The swimming pool set back shall be measured from the water's edge. Decks shall be measured from the closest point to the property line. No swimming pool shall be located as to interfere with the operation of a well or on-site septic system, or to be located where there is potential danger of a septic system discharging into the pool or onto the adjacent area around the pool.

iv. No swimming pool shall be so located or maintained as to interfere unduly with the enjoyment of the property rights of others.

v. Lights used to illuminate any swimming pool shall be so arranged as to reflect light away from adjoining premises.

- B. Carports
- C. Balconies
- D. Porches
- E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory
- F. Playhouses
- G. Sheds
- H. Beekeeping:
  - i. Two (2) beehives shall be permitted on lots with a minimum lot size of 2,000 square feet, and two (2) additional beehives shall be permitted for every additional 2,000 square feet of lot size up to 10,000 square feet.
  - ii. Honey bee apiaries shall not be permitted within ten (10) feet of any lot line, the front of any honey bee apiary shall face away from the property line of the residential property or residential district closest to the apiary, and no apiary shall be kept in front yards or side yards that abut any road.
  - iii. A flyway barrier consisting of a solid wall, fence, dense vegetation or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary must be provided at a height of no less than six (6) feet for all honey bee hives that are located less than eight (8) feet off the ground.
  - iv. Honey bees are limited to European races of *apis mellifera*. African races of *apis mellifera*, which are more aggressive towards humans, are specifically prohibited.
  - v. Definitions:
    - a. Honey bee Apiary - A place where honey bee colonies and/or hives, and other beekeeping equipment, are kept.
    - b. Honey bee Colony – An aggregate of worker bees, drones, queen, and developing brood living together in a social family unit in a hive.
    - c. Honey bee Comb – A mass of six-sided cells made of wax by honey bees in which

a brood is reared and honey and pollen are stored; composed of two layers united at their bases.

d. Honey bee Hive – A box or receptacle with movable frames, used for housing a colony of bees.

vi. Honey bee apiaries are permitted by right as an accessory use in all Districts when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101-§ 2117) and, subject to the following regulations:

a. Beekeeping facilities shall be consistent with the Pennsylvania Department of Agriculture “Best Management Practices for Maintaining European Honey Bee colonies in the Commonwealth of Pennsylvania”;

b. The honey bee apiary must be properly registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, pursuant to applicable Pennsylvania state laws;

c. Ownership, care and control of the honey bees shall be the responsibility of the resident of the dwelling on the lot and/or the individual listed on the registration;

d. A supply of fresh water shall be maintained in a location readily accessible to all honey bee colonies throughout the day to prevent honey bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

e. Safety:

1) In any instance in which a honey bee hive exhibits unusually aggressive characteristics, it shall be the duty of the beekeeper to destroy or requeen the honey bee hive;

2) Honey bee hives must be located within a secured area to protect the colony and prevent direct access by the public.

f. No person shall keep or maintain honey bees in any hive other than a modern moveable frame hive which permits thorough examination of every comb to determine the presence of bee disease.

vii. Permitting Process:

a. Individuals must submit a zoning permit application identifying the following:

1) Property address, name and contact information of applicant;

2) Description of the bees and activities on the property;

3) Location, height, and area of proposed beekeeping activity, including the location, height and area of all sheds, containers, flyway barriers and their consistency, and any appurtenances to the beekeeping activity;

- 4) Distance between structures/activities and neighboring properties;
- 5) Verification that to the owner's knowledge, there is no private restriction against the keeping of honey bees on the property;
- 6) Verification that the applicant is familiar with the requirements set forth in this Ordinance;
- 7) Certify compliance with all applicable local, state, and federal regulations and permits.

b. A meeting with the applicant to review the application and grant or deny the application shall be held within 45 days of the Borough's receipt of the application. At least 1 week prior to the meeting:

- 1) The applicant shall give notice of the application and the date and time of the meeting to all property owners adjacent to and/or within 200 feet of the subject property;
- 2) The applicant shall post a notice conspicuously on the subject property at points sufficient to notify potentially interested citizens of the application and the date and time of the meeting and;
- 3) The applicant shall present proof of the provision of notices required herein either at or prior to the hearing on the application.

I. Other accessory uses customary to residential dwellings

**§302. SF Single Family – Lot, Yard and Height Requirements - See Chapter 9.**

**§303. SF Single Family – Parking, Off-Street Parking and Loading – See Chapter 11.**

**§304. SF Single Family – General Requirements.**

Where Business or Industrial Districts abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Any architectural screens or fences shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 4**  
**Residential District Multi-Family (MF) Regulations**

**§400. MF Multi-Family - Intended Purpose.**

It is the purpose of this district to accommodate low and medium density development of primarily residential usage, but recognize some nonresidential uses not detrimental to low and medium density residential usage when properly controlled. It is composed of areas of the Borough where such developments are now located. The regulations for these districts are intended to protect and stabilize the prevailing characteristics, promote a safe and healthful environment for family life and offer diversity in land use necessary for a viable community.

**§401. MF Multi Family Permitted Uses and Structures.**

1. MF Multi-Family Principal Uses

- A. Single-Family Dwelling
- B. Tiny Home which must satisfy all requirements set forth in §301(1)(B)
- C. Public & Parochial Schools
- D. Churches
- E. Libraries
- F. Parks and Playgrounds
- G. Water Recreation & Storage
- H. No-Impact Home-Based Businesses which must satisfy all of the requirements set forth in §301(1)(H)
- I. Essential Services
- J. Accessory Buildings & Accessory uses
- K. Signs. See Supplemental Regulations §1004
- L. Multi Family Dwellings which must satisfy all of the requirements set forth in §301(3)(D)
- M. Professional Offices which must satisfy all of the requirements set forth in §301(3)(E)

2. MF Multi-Family Uses by Special Exception

- A. Funeral Homes which must satisfy all of the requirements set forth in §301(2)(C)
- B. Nursery Schools and Day Care Centers which must satisfy all of the requirements set forth in §301(2)(E)
- C. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the requirements set forth in §301(3)(C)
- D. Municipal Buildings
- E. Country Clubs and Lodges
- F. Fire Stations and Sewage Treatment Plants which must satisfy all of the requirements set forth in §301(2)(D).
- G. Group Homes. The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses must satisfy all of the following requirements:

- i. There shall be no sign or exterior display indicating the name of the home or its use
- ii. Evidence of required state and local certifications and/or licenses shall be presented to the Zoning Officer upon request and shall be a prerequisite to obtaining a Certificate of Occupancy

H. Personal Care Homes which must satisfy all of the requirements set forth in §301(3)(B)

3. MF Multi-Family Uses by Conditional Uses

A. Hospitals, Nursing Home or Skilled Nursing Facilities which must satisfy all of the requirements set forth in §301(3)(A)

B. Cemeteries

D. Medical Clinics which must satisfy all of the requirements set forth in §301(3)(F)

E. Home Occupations/Office, Residential which must satisfy all of the requirements set forth in §301(3)(G)

H. Reception Hall/Wedding Barn/Banquet Hall must satisfy all of the requirements set forth in §301(3)(I)

G. Public Utility Buildings which must satisfy all of the following requirements:

- i. Landscaping shall be included to shield the building so that it presents a minimum intrusion upon the neighborhood.

- ii. Security fences shall surround all buildings and any other structures and appurtenances. Notwithstanding any other provision in this Ordinance, the height of fences installed for this purpose shall be of adequate height to provide proper security for the building but shall not be required to meet any specific height restrictions.

- iii. No outdoor storage shall be permitted.

4. MF Multi-Family Accessory Uses

A. Swimming Pools which must satisfy all of the requirements set forth in §301(4)(A)

B. Carports

C. Balconies

D. Porches

E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory.

F. Playhouses

G. Sheds

H. Beekeeping which must satisfy all of the requirements set forth in §301(4)(H)

I. Other accessory uses customary to residential dwellings

**§402. MF – Multi Family Lot, Yard and Height Requirements - See Chapter 9.**

**§403. MF – Multi Family Parking, Off-Street Parking and Loading – See Chapter 11.**

**§404. MF Multi Family – General Requirements.**

Where Business /Industrial Districts or uses abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Any architectural screens or fences, shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 5**  
**Business District (B) Regulations**

**§500. Business District. Intended Purpose**

It is the purpose of this district to provide retail and service facilities which serve the primary and daily needs of the immediate surrounding neighborhoods and serve as the central retail marketing function of the entire Borough and surrounding trade area. This district is designed to encourage development of intensive, cohesive areas offering a wide range of shopping and service functions which can provide adequate comparison-shopping activities catering to the free circulation of pedestrian activity having arrived by automobile.

**§501. B-Business Permitted Uses and Structures**

1. B Principal Uses

- A. Single Family Dwelling
- B. Tiny Home which must satisfy all of the requirements set forth in §301(1)(B)
- C. Public & Parochial Schools
- D. Churches
- E. Libraries
- F. Parks and Playgrounds
- G. Home Occupations/Office, Residential which must meet all of the requirements set forth in §301(3)(G)
- H. Multi-Family Dwelling which must satisfy all of the requirements set forth in §301(3)(D)
- I. Professional Offices which must satisfy all of the requirements set forth in §301(3)(E)
- J. Residence as Secondary Use (above the first floor). This use is specifically designed to allow the use of second story spaces, existing or future, as residences. In addition to meeting other applicable regulations set forth in this Ordinance, the Residence as Secondary Use must satisfy all of the following requirements:
  - i. Provide for two (2) separate means of ingress and egress for each dwelling unit.
  - ii. Provide at least 500 square feet of usable space per dwelling unit.
  - iii. Provide for off-street parking for occupants, either on the lot itself or within 400 feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.
  - iv. Present proof that each secondary dwelling can be adequately accommodated with sanitary sewage services;
- K. Retail Business
- L. Eating Establishments
- M. Personal & Professional Services
- N. Commercial Schools
- O. Commercial Indoor Amusement
- P. Hotels & Motels
- Q. Clubs
- R. Trailer (an unpowered vehicle towed by another) Sales & Display;
- S. Medical Clinics. Must meet all of the following conditions:

- i. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.
- ii. All lighting shall be so arranged to prevent glare to adjoining properties.
- iii. Any parking area next to a residential use shall be screened as defined in this Ordinance.

T. Animal Clinics

U. Municipal Buildings

V. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the requirements set forth in §301(3)(C)

W. Short Term Rentals which must satisfy all of the following requirements:

i. License Requirements and Standards:

a. No Landowner shall operate a Short-Term Rental without first obtaining a Short-Term Rental License from the Zoning Officer. Operation of a Short-Term Rental without such Short-Term Rental License is a violation of this Chapter.

b. Short-Term Rental License applications shall be on a form provided by the Borough and shall contain all of the following information:

1) The name, address, telephone number and email address of the Landowner. If the Landowner does not have a managing agency, agent or local contact person, the Landowner shall provide a telephone number at which he or she can be reached on a 24-hour basis. If the Landowner uses a managing agency, agent or local contact person, that managing agency, agent or local contact person shall provide written authorization to the Borough signed by the Landowner that it is able to represent, make decisions for, and accept service for the Landowner.

2) The name, address, and telephone number of the managing agency, agent or local contact person, if any.

3) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals.

4) A site plan showing the location and number of on-site parking spaces.

5) If the property is not on the municipal sewer system, the location, approximate age and capacity of the sewage disposal system along with a copy of the On-Lot System Permit issued by the Borough's Sanitation Enforcement Officer.

6) Copies of current Forest County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.

7) Signatures of the Landowner and the managing agency, agent or local contact person, if any.

8) Trespass Waiver signed by the Landowner allowing access to the property for the Zoning Officer and the Building Code Official for the purpose of inspection to verify compliance with this Ordinance.

9) Copy of the current recorded Deed for the Property establishing ownership.

c. Short-Term Rental License shall be accompanied by a fee as set by the Borough Council.

d. A Short-Term Rental License shall be issued only to the Landowner of the Short-Term Rental property.

e. A separate Short-Term Rental License is required for each Dwelling Unit being rented as a Short-Term Rental, with separate Licenses being required for each Dwelling Unit within a Multi-Family Dwelling that is being rented as a Short-Term Rental.

f. A Short-Term Rental License is effective for a period of one (1) year from the date that it is issued, or until any of the conditions of the Short-Term Rental which are governed by this Chapter are changed, whichever shall first occur. A Short-Term Rental License must be renewed annually and, if applicable, when any of the conditions of the Short-Term Rental which are governed by this Chapter are revised or amended.

g. The Landowner, by making application for a Short-Term Rental License and/or accepting issuance of a Short-Term Rental License, grants permission for any and all inspections authorized and/or required herein.

h. The Borough Secretary/Manager will prescribe forms and procedures for the processing of License applications under this Chapter.

ii. Short-Term Rental Standards.

a. Overnight occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom.

b. The number of bedrooms permitted for a Short-Term Rental must meet the requirements set forth in the International Property Maintenance Code for Dwelling Units on the Borough sanitary sewer system or, if the Dwelling Unit is not on the Borough sanitary sewer system, shall be based on the number of bedrooms approved for the Dwelling Unit on the sewage permit issued for such property. If a sewage system malfunction occurs, Short-Term Rental of the Dwelling Unit shall be discontinued until the malfunction is corrected in accordance with Borough and Pennsylvania Department of Environmental Protection requirements.

c. Outdoor parking for both overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental guests include spaces in any public right-of-way. Any expansion

of parking areas for a Short-Term Rental requires prior Borough approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material.

d. Neither Short-Term Rental occupants nor their guests shall engage in disorderly conduct or disturb the peace and quiet of any neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.

e. The Landowner shall use its best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Tionesta Borough Code of Ordinances or any state or federal law pertaining to noise or disorderly conduct which efforts shall include, but not be limited to, notifying the occupants or guests of the rules regarding Short-Term Rentals and responding when notified that occupants or guests are violating laws, ordinances or regulations regarding their occupancy.

f. The Landowner shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Tionesta Borough Code of Ordinances or any state or federal law pertaining to noise or disorderly conduct, promptly use its best efforts to prevent a recurrence of such conduct by those occupants or guests.

g. Overnight parking of Mobile Homes, Travel Trailers, or any other type of recreational vehicles at the property where the Short-Term Rental is located may be permitted by the Landowner. Overnight sleeping of occupants or guests of the Short-Term Rental in any Mobile Home, Travel Trailer, any other type of recreational vehicle, or tent is prohibited.

h. All Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:

- 1) The name of the Landowner or managing agency, agent, property manager, or local contact authorized in writing to accept service for the Landowner and a telephone number at which that party can be reached on a 24-hour basis.
- 2) The 911 address of the property.
- 3) The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of short-term renters permitted at any one time.
- 4) The maximum number of vehicles allowed to be parked on the property and the requirement that all occupant or guest parking must be on the property and not in or along any public right-of-way.
- 5) The day and time for trash pick-up and a notification that trash and refuse shall not be left or stored on the exterior of the property except in water-tight

metal or plastic cans from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up.

6) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Tionesta Borough Code of Ordinances, including parking and occupancy limits.

7) Notification that Short-Term Rental occupants are required to make the dwelling unit available for inspection by the Zoning Officer upon request.

iii. Renewal.

a. Short-Term Rental License renewal shall require inspections outlined herein.

b. Short-Term Rental License renewal applications shall contain information regarding any changes from the immediately preceding application.

iv. Enforcement Officer and Inspections.

a. The Tionesta Borough Zoning Officer shall conduct inspections, make reports and administer and enforce the provisions of this Chapter.

b. The Zoning Officer, with the authorization of the Borough Council, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation, at the Landowner's expense.

c. All Short-Term Rentals shall be subject to inspection by the Zoning Officer and the Building Code Official to verify application information, License, License renewal and/or operating requirements.

d. The issuance of a Short-Term Rental License is not a warranty that the premises are lawful, safe, habitable, or in compliance with Borough Code.

v. Marketing. The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted herein, or which promotes any other activity which is prohibited herein, shall be deemed a violation.

vi. Violations, Penalties and Costs

a. Any and all violations of these Short-Term Rentals provisions and related penalties shall be governed by the enforcement procedures set forth in this Chapter.

b. In the interest of promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and impacts posed by Short-Term Rentals, a violation of any of the provisions of this Chapter is declared to be a public nuisance.

c. The Zoning Officer may either revoke or deny an application to renew a Short-Term Rental License if the Landowner violates or has violated any provisions of this Chapter.

d. If the premises are owned by more than one person or entity, each person or entity shall be jointly and severally liable to and responsible for complying with the requirements of this Chapter and shall further be jointly and severally subject to prosecution for any violation(s) of this Chapter.

- X. Water Recreation and Storage
- Y. Essential Services
- Z. Accessory Buildings and Uses
- AA. Signs. See Supplemental Regulations §1004.

2. B Uses by Special Exception

A. Car Washes which must satisfy all of the following requirements:

- i. Car Washes shall be connected to the public sewer.
- ii. All drainage water from any Car Wash operations shall be contained on site so as to not become a nuisance or hazard to adjoining properties, berms, or roadways.
- iii. All car washing shall be conducted within an enclosed building.
- iv. All car washing areas shall be covered with an impervious surface and shall be maintained free of debris and obstructions.
- v. No outdoor equipment, machinery, or other appurtenances shall be located closer than ten (10) feet of any property line.
- vi. The entrance to the car wash shall be designed as to permit a waiting line of at least four (4) cars. In no event shall cars be permitted to use a Road or any public right-of-way while waiting to use the wash facility.

B. Service Stations which must satisfy all of the following requirements:

- i. Gasoline pumps or other devices for dispensing motor fuel shall be at least 25 feet from the nearest adjoining lot line.
- ii. No vehicular storage shall be permitted on any Road or other public rights-of-way.
- iii. All hoists, pits and lubricating, greasing, automobile washing and repair equipment shall be entirely within an enclosed building.
- iv. Enclosed facilities for the storage of trash and tires will be required.

- v. All Service Stations which abut residential uses shall be effectively screened as defined in this Ordinance.
  - vi. Lighting shall not produce a glare to adjoining properties.
- C. Auto Sales, Service & Repair which must satisfy all of the following requirements:
- i. Gasoline pumps or other devices for dispensing motor fuel shall be at least 25 feet from the nearest adjoining lot line.
  - ii. No vehicular storage shall be permitted on any Road or other public rights-of-way.
  - iii. All hoists, pits and lubricating, greasing, automobile washing and repair equipment shall be entirely within an enclosed building.
  - iv. Enclosed facilities for the proper storage of trash and tires will be required.
  - v. All yards which abut residential uses shall be effectively screened, as defined in this Ordinance.
  - vi. Lighting shall not produce a glare to adjoining properties.
  - vii. All service garages shall be so constructed so that all activities and all storage shall be inside the building.
- D. Building Supply Yards which shall be effectively screened from surrounding properties, as defined in this Ordinance.
- E. Commercial Parking and Commercial Parking Facilities which must satisfy all of the following requirements:
- i. All parking areas shall be off-street and shall be of adequate size to allow needed maneuvering so that vehicles shall not back onto a public right-of-way.
  - ii. Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the parking lot but shall at no time exceed 24 feet in width.
  - iii. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
  - iv. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from adjoining residential districts. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval. Pursuant to this Ordinance, the screening must be at least six feet (6') in height.

v. All access ways and parking areas shall be suitably paved with macadam or concrete and shall be marked to indicate direction of travel and to delineate individual spaces within the parking area.

F. Eating and Drinking Establishments (Drive-In and Drive-Thru Types) which must satisfy all of the following requirements:

i. All lots shall be at least 20,000 square feet in size and at least 80 feet wide.

ii. All parking areas shall be designed for easy ingress and egress, and in no event shall vehicles be required to back onto a public right-of-way.

iii. Drive-up windows shall be set back from the street with stacking room for at least four vehicles.

iv. Entrance and exit driveways shall be clearly marked and shall conform to the requirements of §507.

v. Vehicle and pedestrian traffic shall be designed to allow adequate site distances between entrances, exits, and any drive-thru lanes.

vi. A site plan must be submitted and approved by the Planning Commission prior to construction or conversion of an existing structure.

vii. The alignment of driveways and pick-up areas shall be so arranged or screened, pursuant to the screening requirements set forth elsewhere herein, so as to avoid glare or reflection on adjacent residential uses or districts.

3. B Uses by Conditional Uses

A. Light Warehousing

B. Fire Stations and Sewage Treatment Plants which must satisfy all of the requirements set forth in §301(2)(D)

C. Public Utility Buildings which must satisfy all of the requirements set forth in §401(3)(G)

D. Hospital, Nursing Home or Skilled Nursing Facilities which must satisfy all of the requirements set forth in §301(3)(A)

E. Cemeteries

F. Personal Care Homes which must satisfy all of the requirements set forth in §301(3)(B).

G. Reception Hall/Wedding Barn/Banquet Hall which must satisfy all of the requirements set forth in §301(3)(I)

4. B Accessory Uses

A. Swimming Pools which must satisfy all of the requirements set forth in §301(4)(A)

B. Carports

C. Balconies

D. Porches

- E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory
- F. Playhouses
- G. Sheds
- H. Beekeeping which must satisfy all of the requirements set forth in §301(4)(H).
- I. Other accessory uses customary to the district in which the lot/property is located

**§502. B – Lot, Yard and Height Requirements - See Chapter 9.**

**§503. B – Parking, Off-Street Parking and Loading – See Chapter 11.**

**§504. B – General Requirements.**

Where Business /Industrial Districts or uses abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Any architectural screens or fences shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 6**  
**Industrial District (I) Regulations**

**§600. Industrial District. Intended Purpose**

It is the purpose of this district to encourage industrial development and provide for manufacturing and industrial uses. This district is designed to minimize their incompatibility with other districts and provide minimum requirements for the mutual protection of the industrial area. Industries and businesses which can meet the requirements imposed for this district shall be permitted to locate in districts adjacent to commercial and residential adjoining districts.

**§601. I - Permitted Uses and Structures**

**1. I- Principal Uses**

- A. Research and Testing Laboratories
- B. Professional Offices
- C. Municipal Buildings
- D. Rental Service and Equipment
- E. Warehousing and Distribution
- F. Truck Terminals/Truck Stops
- G. Wholesale Establishments
- H. Water Storage Tanks
- I. Oil and Gas Well Operations
- J. Light Manufacturing
- K. Essential Services
- L. Water Recreation and Storage
- M. Transient Trailer/Recreational Vehicle (RV) Camp/ Park
- N. Short Term Rentals which must satisfy the requirements set forth in §501(1)(W).
- O. Medical Clinics which must satisfy all of the requirements set forth in §301(3)(F).
- P. Animal Clinics
- Q. Tiny Homes which must satisfy all of the requirements set forth in §301(1)(B).
- R. Therapeutic Massage
- S. Signs. (See Supplemental Regulations at §1004.)

**2. I - Uses by Special Exception**

- A. Sawmills and Lumber Storage Yards.
- B. Building Supply Yards which shall be effectively screened from surrounding properties, as defined in this Ordinance.
- B. Auto Sales, Service & Repair which must satisfy all of the requirements set forth in §501(2)(C).
- C. Individual Mobile Homes which must satisfy all of the following requirements:
  - i. Mobile Homes shall meet all requirements of this Ordinance and other ordinances of the Borough relative to single-family dwellings in the same zone district including, but not limited to, minimum lot area and width, setbacks from property lines, utility connections, off-street parking and access to a public road.

ii. The space between the floor of a Mobile Home and the ground below shall be enclosed by a continuous skirting to complement the exterior material of the Mobile Home, and such space shall be ventilated to inhibit the formation of moisture and decay.

iii. Individual Mobile Homes shall be placed upon suitable supports to ensure that the unit will remain level and free from structural damage. Each Mobile Home shall have an anchoring system to prevent and resist overturning or lateral movement caused by wind forces.

iv. Mobile Homes shall be secured, its anchoring system installed, and skirted within thirty (30) days of arrival on the lot.

v. No Mobile Home units lacking toilet and washing facilities or cooking and food storage facilities or any of these shall be permitted anywhere in the Borough.

E. Mobile Home Parks which must satisfy all of the following requirements:

i. No Mobile Home Park shall have an area of less than five (5) contiguous acres.

ii. Each Mobile Home Lot within the park shall have an area of at least 6,000 square feet.

iii. No Mobile Home shall be closer than 50 feet to an adjacent property.

iv. No less than 20% of the gross area of the Mobile Home Park must be improved for recreational activity of the residents of the Mobile Home Park.

v. The Mobile Home Park shall be appropriately landscaped and screened from adjacent properties as defined in this Ordinance.

vi. There shall be at least 30 feet between mobile homes.

vii. The site of a Mobile Home Park shall be serviced by public water or a state-approved private water system and public sanitary sewers or a state-approved private sanitary sewage disposal system.

viii. Around the perimeter of the Mobile Home Park, there shall be minimum front, rear and side yards of 50 feet each. No portion of a Mobile Home Lot may extend into the required perimeter yards. Landscaping, parking and recreational facilities may project into the required perimeter yards.

ix. The place between the floor of all Mobile Homes in a Mobile Home Park and the ground below shall be enclosed by a continuous skirting to complement the exterior material of the mobile home, and such space shall be ventilated to inhibit the formation of moisture and decay.

x. Each Mobile Home in a Mobile Home Park shall be placed on suitable supports to ensure that it will remain level and free from structural damage. All Mobile Homes in the Mobile Home Park must be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces.

xi. All Mobile Homes within a Mobile Home Park shall be secured, its anchoring system installed, and skirted within 30 days of arrival at the Mobile Home Park.

3. I - Uses by Conditional Uses

- A. Public Utility Buildings which must satisfy all of the requirements set forth in §401(3)(G).
- B. Sewage Treatment Plants which must satisfy all of the requirements set forth in §301(2)(D).
- C. Bulk Fuel Storage which must satisfy all of the requirements set forth in §1005.
- D. Mineral Excavations. The excavation of sand, gravel, coal, (strip and shaft mining), oil, gas or other material from the ground shall be considered a temporary use which must comply with all measures that Borough Council might specify to protect the public interest and all requirements of the Pennsylvania Oil and Gas Act.
- E. Multi-Family Dwellings which must satisfy all of the requirements set forth in §301(3)(D).
- F. Home Occupations/Office, Residential which must satisfy all of the requirements set forth in §301(3)(G).
- H. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the requirements set forth in §301(3)(C).
- I. Fire Stations which must satisfy all of the requirements set forth in §301(2)(D).
- J. Heavy Manufacturing which must satisfy all of the following requirements:
  - i. The operation shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment.
  - ii. All required federal and/or state environmental permits shall be obtained, current, and provided to the Borough.
  - iii. Any operation that has or is likely to have likely to produce serious adverse effects within or beyond the limits of the district is prohibited.
  - iv. Certain potentially hazardous industries may be permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons.
  - v. Outside storage yards abutting or immediately across a street from any Residential District shall be screened as defined in this Ordinance.
  - vi. All performance standards set forth in §1005 shall be satisfied.
- K. Hospitals, Nursing Home or Skilled Nursing Facilities which must satisfy all of the requirements set forth in §301(3)(A).
- L. Cemeteries
- M. Professional Offices
- O. Medical Clinics which must satisfy all of the requirements set forth in §301(3)(F).
- P. Personal Care Homes which must satisfy all of the requirements set forth in §301(3)(B).
- Q. No-Impact Home-Based Businesses which must satisfy all of the requirements set forth in §301(1)(H).
- R. Reception Hall/Wedding Barn/Banquet Hall which must satisfy all of the requirements set forth in §301(3)(I).

4. I - Accessory Uses

- A. Swimming Pools which must satisfy all of the requirements set forth in §301(4)(A).
- B. Carports
- C. Balconies
- D. Porches
- E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory.
- F. Playhouses
- G. Sheds
- H. Beekeeping which must satisfy all of the requirements set forth in §301(4)(H).
- I. Other accessory uses customary to the district in which the lot/property is located.

**§602. I – Lot, Yard and Height Requirements. See Chapter 9.**

**§603 I – Parking, Off-Street Parking and Loading. See Chapter 11.**

**§604. I – General Requirements.**

Where Business /Industrial Districts or uses abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 7**  
**Conservation District (C) Regulations**

**§700. C - Conservation District. Intended Purpose**

It is the purpose of this district to accommodate integrated development and redevelopment for a variety of non-residential and residential land, while preserving the character of adjacent land use as well as providing for agricultural use; open space and future recreational activities; and passive recreational activities, facilities and development.

**§701. C - Permitted Uses and Structures**

1. C - Principal Uses

- A. Agriculture
- B. Single-Family Dwelling
- C. Tiny Home which must satisfy all of the requirements set forth in §301(1)(B).
- D. Public & Parochial Schools
- E. Libraries
- F. Public Utility Buildings
- G. Churches
- H. Camps
- I. Specialized Animal Raising and Care
- J. Nurseries and Greenhouses
- K. Country Clubs and Lodges
- L. Radio or TV Transmission or Boosting Stations
- M. Water Recreation and Storage
- N. Cemeteries
- O. Animal Clinics
- P. Essential Services
- Q. Accessory Buildings and Accessory Uses
- R. Signs, subject to the Supplemental Regulations set forth in §1004.
- S. Municipal Buildings
- T. Transient Trailer/Recreational Vehicle (RV) Park which must satisfy all of the following requirements:
  - i. No less than 20% of the gross area of the Transient Trailer/Recreational Vehicle (RV) Park must be improved for recreational activity of the residents of the Transient Trailer/Recreational Vehicle (RV) Park.
  - ii. The Transient Trailer/Recreational Vehicle (RV) Park shall be appropriately landscaped and screened from adjacent properties. as defined in this Ordinance.
  - iii. The site of a Transient Trailer/Recreational Vehicle (RV) shall be serviced by public water or a state-approved private water system and public sanitary sewers or a state-approved private sanitary sewage disposal system.
  - iv. Maximum density per acre shall not exceed twelve (12) units.
- U. Funeral Homes

V. Short Term Rentals which must satisfy all of the requirements set forth in §501(1)(W).

2. C - Uses by Special Exception

- A. Individual Mobile Homes which must satisfy all of the requirements set forth in §601(2)(D).
- B. Nursery Schools and Day Care Centers which must satisfy all of the requirements set forth in §301(2)(E).
- C. Personal Care Homes which must satisfy all of the requirements set forth in §301(3)(B).
- D. Group Homes which must satisfy all of the requirements set forth in §401(2)(G).

3. C - Uses by Conditional Uses

- A. Mobile Home Parks which must satisfy all of the requirements set forth in §601(2)(E).
- B. Multi-Family Dwellings which must satisfy all of the requirements set forth in §301(3)(D).
- C. Hospitals, Nursing Home or Skilled Nursing Facilities which must satisfy all of the requirements set forth in §301(3)(A).
- D. Fire Stations and Sewage Treatment Plants which must satisfy all of the requirements set forth in §301(2)(D).
- E. Mineral Excavations which must satisfy all of the requirements set forth in §601(3)(D).
- F. Sanitary Landfills which shall be in compliance with existing surrounding uses and all requirements of the Pennsylvania Department of Environmental Protection (DEP) concerning proper drainage, cover and the operation as a whole. Proof of said compliance with all DEP requirements shall be provided by the applicant to Borough Council in accordance with the Pennsylvania Solid Waste Management Act. In addition, all of the following requirements must be satisfied:

- i. All operations must be conducted no closer than 750 feet to an adjacent property, unless under common lease or ownership, and no closer than 500 feet to any road right-of-way line.
- ii. All operations must be conducted no closer than 1,000 feet to an existing dwelling, school, hospital or similar residential use.
- iii. The operator shall file with Borough Council a plan showing location of adjacent properties, roads and natural features.
- iv. The operator shall submit an application to Borough Council for approval a plan for the restoration of the area to be landfilled, which shall include anticipated future use of the restored land, the proposed final topography indicated by the contour lines of no greater interval of five feet, steps which will be taken to conserve the topsoil and the location of future roads, drainage courses, vegetation or other improvements contemplated.
- v. Hours of operation shall not exceed 12 hours per day. Operation shall not commence before 6:00 a.m. and must terminate no later than 7:00 p.m., prevailing time.
- vi. Screening shall be required between the property line and the site of operation and shall comply with the requirements for screening set forth in §200.

vii. Access roads shall be all-weather paved and constructed in accordance with Pennsylvania Department of Transportation specifications.

G. Adult Business, Adult Motion Picture Theater, Adult Peep Shows and other businesses of a similar nature.

H. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the requirements set forth in §301(3)(C).

I. Home Occupations/Office, Residential and No-Impact Home Based Business. Shall be permitted upon adherence to the requirements set forth in §301(3)(G) and §301(1)(H), respectively, and these special criteria. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and are permitted as long as they adhere to the following requirements:

i. Parking. In addition to providing the required parking spaces for residents of the dwelling units, off street parking must be provided for employees and customers in accordance with the criteria set forth in this Chapter or in Chapter 11 of this Ordinance. Off-street parking shall not be located in the front yard. Parking areas shall be adequately screened from adjoining residences regardless of the number of parking spaces provided. (See definition of "Screening").

ii. Restrictions. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. No offensive odor, no vibration, smoke, dust, heat, noise or glare shall be produced. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive body work and similar undertakings.

iii. Home occupations shall not operate before 8:00 a.m. nor after 9:00 p.m.

iv. The occupation is carried on wholly within the principal structure or accessory structure.

J. Reception Hall/Wedding Barn/Banquet Hall which must satisfy all of the requirements set forth in §301(3)(I).

K. Therapeutic Massage

#### 4. C Accessory Uses

A. Swimming Pools which must satisfy all of the requirements set forth in §301(4)(A).

B. Carports

C. Balconies

D. Porches

E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory.

F. Playhouses

G. Sheds

H. Beekeeping which must satisfy all of the requirements set forth in §301(4)(H).

I. Other accessory uses customary to the district in which the lot/property is located.

**§702 C – Lot, Yard and Height Requirements. See Chapter 9.**

**§703. C – Parking, Off-Street Parking and Loading. See Chapter 11.**

**§704. C – General Requirements.**

Where Business/Industrial Districts or uses abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping materials. Any architectural screens or fences, shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 8**  
**Highway Commercial District (HC) Regulations**

**§800. Highway Commercial District. Intended Purpose**

All uses in the Highway Commercial District must front Elm Street.

**§801. HC- Permitted Uses and Structures**

1. HC- Principal Uses

- A. Any principal use permitted and regulated in the Multi-Family (MF) Residential District (see Chapter 4).
- B. Residence as Secondary Use which must satisfy all of the requirements set forth in §501(1)(J).
- C. Retail Business.
- D. Eating Establishments.
- E. Professional Offices which must satisfy all of the requirements set forth in §301(3)(E).
- F. Personal & Professional Services.
- G. Commercial Schools
- H. Commercial Indoor Amusement
- I. Hotels & Motels
- J. Clubs
- K. Trailer (unpowered vehicle towed by another) Sales & Display
- L. Medical Clinics which must satisfy all of the requirements set forth in §301(3)(F).
- M. Animal Clinics
- N. Municipal Buildings
- O. Signs. See Supplemental Regulations §1004.
- P. Water Recreation and Storage
- Q. Essential Services
- R. Accessory Buildings and Uses

2. HC Uses by Special Exception

- A. Car Washes which must satisfy all of the requirements set forth in §501(2)(A).
- B. Service Stations which must satisfy all of the requirements set forth in §501(2)(B).
- C. Auto Sales, Service & Repair which satisfy all of the requirements set forth in §501(2)(C).
- D. Building Supply Yards which shall be effectively screened from surrounding properties, as defined in this Ordinance.
- E. Commercial Parking and Commercial Parking Facilities which must satisfy the requirements set forth in §501(2)(E).

F. Eating and Drinking Establishments (Drive-In and Drive-Thru Types) which must satisfy all of the requirements set forth in §501(2)(F).

3. HC Uses by Conditional Uses

A. Light Warehousing.

B. Fire Stations and Sewage Treatment Plants which must satisfy all of the requirements set forth in §301(2)(D).

C. Public Utility Buildings which must satisfy all of the requirements set forth in §401(3)(G).

D. Multi-Family Dwelling which must satisfy all of the requirements set forth in §301(3)(D).

E. Bed & Breakfast/Rooming & Boarding Houses which must satisfy all of the requirements set forth in §301(3)(C).

F. Reception Hall/Wedding Barn/Banquet Hall which must satisfy all of the requirements set forth in §301(3)(I). H. Therapeutic Massage

4. HC Accessory Uses

A. Swimming Pools which must satisfy all of the requirements set forth in §301(4)(A).

B. Carports

C. Balconies

D. Porches

E. Detached private garages. Said detached private garage must have a dwelling on the same lot to which it would be an accessory.

F. Playhouses

G. Sheds

H. Other accessory uses customary to the district in which the lot/property is located.

**§802. HC – Lot, Yard and Height Requirements. See Chapter 9.**

**§803. HC – Parking, Off-Street Parking and Loading. See Chapter 11.**

**§804. HC – General Requirements.**

Where Commercial/Industrial Districts or uses abut any residential district or use, a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping. Any architectural screens or fences, shall not exceed six (6') in height, except on corner lots where a clear line of sight is required and do not impinge on the required free sight triangle at intersections.

**CHAPTER 9**  
**LOT, YARD AND HEIGHT REQUIREMENTS**

**§900. Lot, Yard and Height Requirements.**

Zoning District	Minimum Area (sq. ft or acres)	Minimum Lot Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Structure Height (ft.)	Maximum Lot Coverage (%)
<b><u>C-CONSERVATION</u></b>							
Single Family Residences	1 Acre	150	50	25	50	35	15
All other uses	2 Acres	200	50	35	500	45	20
<b><u>SINGLE FAMILY (SF) RESIDENTIAL</u></b>							
Served by public sewer	6,000 sq. ft.	100	35	15	40	35	25
Not served by public sewer	1 acre	150	50	25	50	35	15
<b><u>MULTI FAMILY (MF) RESIDENTIAL</u></b>							
<i>Served by public sewer</i>							
Single Family Dwellings	6,000 sq. ft.	60	20	10	30	35	40
Multi Family Dwellings	5,000 sq. ft. plus 2,500/family	90	20	15	40	35	50
Not served by Public Sewer: (All Uses)	1 Acre	150	50	25	50	35	15
Other Uses	7,500 sq. ft.	60	20	10	30	35	40
<b><u>B – BUSINESS</u></b>							
<b><u>HC – HIGHWAY COMMERCIAL</u></b>							
<b><u>I- INDUSTRIAL</u></b>							

In a built-up, residential area where front yard (set back lines) are already established, the minimum front yard need not be greater than the average of those located for a distance of two hundred (200) feet on both sides of the lot or lots for which a zoning certificate is being requested.

**§901. Supplemental Height Regulations.** See Lot, Yard and Height Requirements Table §900 for height requirements. Height limits may be increased if the following conditions are met:

1. Structure height, in excess of the height permitted above the average ground level allowed in any district, may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

2. The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks and similar structures.

3. Any structure with a height in excess of 50 feet will be first referred to the Tionesta Volunteer Fire Department for a review relative to public safety considerations.

**CHAPTER 10**  
**Supplemental Regulations**

**§1000. Nonconforming Uses and Structures.**

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Borough that all legal nonconforming uses and structures, shall be able to continue; however, all changes in such uses shall only be as allowed in this Ordinance.

1. Any nonconforming use may be continued or may be changed to a use of the same or a more restrictive classification but may not be extended or expanded unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.

2. Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is initiated within 12 months of discontinuance of use and completed within 24 months of initial damage and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located, and it must meet the off-street parking and loading requirements of this Ordinance.

3. In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

4. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Board, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty percent (50%) more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such activities must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

5. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is complete within six months from the date of issuance of the permit.

6. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

7. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Ordinance shall also apply to any uses which thereby become nonconforming.

**§1001. Existing Lots of Record; and Joinder of Adjacent Lots or Subdivision of Lots.**

1. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the District in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the Zoning District where it is located. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Board which may require replating to fewer lots, which would comply with the minimum requirements of this Ordinance.

2. No provisions of this Ordinance to side and rear yard requirements shall prevent the reasonable use of an existing lot of record. The Zoning Officer may grant a reduction in the requirements for side yards and rear yards for existing lots of record which lack the required lot width. However, in no event may such yards be reduced more than 1/2 without the approval of the Board.

**§1002. Application of Yard Regulations.**

1. Where a structure exists on an adjacent lot and is within 150 feet of a proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district. Where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

2. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in Subsections 3 and 4. However, in residential districts, accessory buildings (detached private garages, tool houses, playhouses, sheds, etc.) may project into rear and side yards only. Such structures shall be located no closer than five feet from a side property line and no less than five feet from a rear property line.

3. Walls or fences in side and rear yards may not exceed six feet six inches (6.6') in height, measuring from the base of the wall or fence where it meets the ground up to and including the upper most portion of any posts or poles, and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Walls or fences in front yards may not exceed three feet six inches (3.6') in height, measuring from the base of the wall or fence where it meets the ground up to and including the upper most portion of any posts or poles, provided that they do not impinge on the required free sight triangle at intersections. Retaining walls and fences are not subject to the 3.6' and 6.6' high limitation.

**§1003. Temporary Structures.**

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period by the Borough Zoning Officer. Permits for temporary structures may be renewed only upon good cause shown and upon approval of the Zoning Officer.

**§1004. Signs and Commercial Signs.**

1. **Intent.** It is the intent of this article to regulate all signs within the Borough to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. In addition, the intent of this section is to:

- A. Encourage good design in the context of the overall image and visual environment of the Borough.
- B. Enhance the appearance of the business community, taking into account the nature of the use, and thus stimulate as well as protect the economic vitality of the Borough.
- C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- D. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes which the Borough is supporting.
- G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols which will identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street or Borough.
- H. Prevent sign overload and excessively large signs which creates a visually chaotic and competitive situation within the Borough.

2. **Definitions.** As used in this section, the following terms shall have the meanings indicated unless otherwise expressly stated:

- A. **Directional Sign:** A sign designating points of ingress and egress to a property, normally located at such points of ingress and egress.
- B. **Freestanding Sign:** A sign and supporting structure which is secured in the ground and independent of any building, fence or other support. Freestanding signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed eight (8) feet. No portion of any freestanding sign shall be located within 5 feet of any lot line. For the purpose of this definition, "freestanding signs" may consist of the following:
  - i. **Ground Sign:** A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element.

ii. Pole Sign: A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

C. Internally Illuminated Sign: A sign which incorporates the flashing, scrolling of text or graphics or signs with internal moving illumination which varies in intensity or color which includes, but is not limited to, time and temperature signs.

D. Movable Sign: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs.

E. Temporary Sign: Any sign erected for a period of time not to exceed thirty (30) days in any one (1) calendar year which may include, but is not limited to, signs capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs and civic event signs that are posted to promote and advertise an activity sponsored by the school district, church, public agency, civic or charitable association or other similar noncommercial organization.

F. Window Sign: Any business sign which is placed inside or upon a window for the primary purpose of being viewed by the general public from the exterior of the premises. Temporary show window displays shall not be included within this definition.

3. **All Districts.** Regulations to be observed in all Districts:

A. The following signs shall be permitted in all Districts:

i. Temporary signs (including banners to be hung above the street) announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, shall be erected no more than 14 days prior to the event, unless there is a conflict with a previously scheduled event; provided that such sign shall not exceed 32 square feet in area (except banners hanging over the street shall not exceed 60 square feet) and shall be removed within 48 hours following the event, campaign or drive. Additionally, in accordance with Pennsylvania Department of Transportation requirements, the sponsoring agency must request, in writing, that Borough Council pass a resolution approving the installation of a banner above the street; said request shall be accompanied with the following information:

a. Banner location, including state route number (or street name). Note that the minimum clearance above the roadway shall be 17 feet 6 inches.

b. Size and description of the banner(s), including the message(s), name of the event(s) and sponsoring organization(s). Events must relate to a national, state, regional or local function or charitable affair.

c. Approximate date(s) of installation and removal.

d. Acknowledgment that no more than 20% of the message will relate to naming or advertising a commercial product, enterprise, business or

company regardless of whether they are sponsoring the event or the banner installation.

ii. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage. No permit shall be required to erect such signs.

iii. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 32 square feet; and, provided, that such sign shall be removed upon completion of the work. No permit shall be required to erect such signs.

iv. Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed four square feet. No permit shall be required to erect such signs.

- B. No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
- C. Directional signs, not exceeding two (2) square feet in area per use, premises or establishment, and used for the direction and protection of the public; a written request shall be presented to Borough Council for approval prior to any such signs being installed.
- D. No sign shall project more than 12 inches from the building to which it is attached, except that signs may project at ninety-degree angles in Business Districts as provided in Section 3E.
- E. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall any sign extend above the height of a building.
- F. Signs may be lighted externally with non-glaring lights or may be illuminated externally by shielded floodlights. Lighting shall be screened from adjacent properties. No lights of intermittent, flashing, scrolling or animated types shall be permitted in the Residential Districts. All lighted signs must be approved by the Borough's Uniform Construction Code enforcement officer.
- G. No signs shall be permitted which are posted, stapled or otherwise attached to public utility poles or trees.
- H. All signs, except Temporary Signs, shall be constructed of durable material and kept in good condition and repair.
- I. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign or cause the sign to be noncompliant with any other provisions of this Ordinance.

J. Window Signs, moving or not moving, lighted or not lighted, are permitted only in Business or Industrial Districts and, if lighted, must be turned off at close of business or no later than 10:00 pm, whichever is earlier, and may be turned on at sunrise.

4. **Residential Districts.** In addition to those signs which are permitted as set forth in Paragraph 3, Above, the following signs shall be permitted:

A. Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use; and, provided, that the area of each such sign shall not exceed two (2) square feet; each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard in the manner provided for herein for Freestanding Signs, but not within 10 feet of a street line; and no such signs shall be lighted or illuminated.

B. Sign, bulletin board, announcement board or identification sign for schools, churches, hospitals, multifamily dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage. In the event that said signs, bulletin boards, announcement boards or identification signs are lighted or illuminated, the provisions set forth herein shall apply.

5. **Business Districts.** In addition to those signs which are permitted as set forth in Paragraph 3, above, the following requirements shall apply:

A. Signs shall contain no information or advertising for any product or service not sold or processed on the premises.

B. Signs directing patrons, members or audiences to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such sign shall not exceed six (6) square feet; said signs shall be removed within 48 hours after the date of the exhibit, show, event or election; shall not be posted earlier than two (2) weeks before the date of the exhibit, show or event; and, in the event of political signs, shall not be posted earlier than one month prior to an election.

C. Signs in Business Districts shall be limited in size to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of 60 square feet.

D. Temporary Signs, Movable Signs, and special temporary promotional devices, such as banners or pennants, shall be permitted provided that where such signs are outside of a building, they shall remain on display for a period not to exceed 30 consecutive days. Notwithstanding the foregoing, civic event groups may use special temporary promotional devices to promote community events that can be changed to promote each event in an ongoing manner. The display may physically remain in the same place, but the message must vary.

E. Signs attached to a wall which projects in such a manner that the faces of the sign form an angle of 90 degrees with the wall shall be permitted in Business Districts, subject to the following regulations:

- i. Such signs shall not project more than six (6) feet from the wall.
- ii. Only one (1) such sign shall be permitted per premises, and only in lieu of other signs, except premises that have more than one (1) street bordering the premises (example: a corner lot), then one (1) sign for each street shall be allowed and the sign area for each street may be computed separately.
- iii. There shall be a minimum height of 10 feet from the curb level to the bottom of the sign.
- iv. Signs shall have a maximum area of 16 square feet on each face.

F. Freestanding Signs provided that said signs:

- i. Shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of 60 square feet.
- ii. Shall be constructed of durable material and kept in good condition and repair.
- iii. May be lighted with nonglaring lights or may be illuminated by shielded floodlights. Lighting shall be screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted in the Residential Districts. All lighted signs must be approved by the Borough's Uniform Construction Code enforcement officer.
- iv. The height of free-standing signs from curb level to the top of the sign shall not exceed 14 feet.

G. Internally Illuminated Signs provided that:

- i. Signs which incorporate the flashing of text or graphics or signs with moving illumination which vary in intensity or color (including time and temperature signs) shall be allowed provided the following requirements are met:
  - a. No such signs shall be erected within 50 feet of nor be visible from any property or building used in whole or in part for residential purposes nor be erected within 50 feet of nor visible from any Residential District or boundary line of any Residential District.
  - b. Internally Illuminated Signs must face parallel to the street and may not be placed perpendicular to any street.
  - c. No Internally Illuminated Sign shall be so bright so as to cause glare or impairment of vision of the driver of any motor vehicle or interfere with the driver's ability to see or read an official traffic sign, device or signal, in the sole discretion of Borough Council, the Borough's Zoning Officer, or the Borough's Uniform Commercial Code Enforcement Officer.

d. All Internally Illuminated Signs must be turned off no later than 10:00 p.m. and may be turned on at sunrise.

e. All Internally Illuminated Signs must be approved by the Borough's Uniform Construction Code enforcement officer.

**6. Industrial District.**

A. Advertising signs, Internally Illuminated Signs (pursuant to the restrictions set forth in Section 5.G above) and business signs are permitted provided that such signs shall not exceed an aggregate area of 60 square feet. All Internally Illuminated Signs must be approved by the Borough's Uniform Construction Code enforcement officer.

B. Temporary Signs, Movable Signs, and special temporary promotional devices, such as banners or pennants, provided that where such signs are outside of a building, they shall remain on display for a period not to exceed 30 consecutive days. Notwithstanding the foregoing, civic event groups may use special temporary promotional devices to promote community events that can be changed to promote each event in an ongoing manner. The display may physically remain in the same place, but the message must vary.

7. An application for a sign permit shall be submitted to the Zoning Officer and shall comply with the requirements of Section 1202 of this Ordinance.

**§1005. Performance Standard.** No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the Borough. Furthermore, every use of land or structure in any district must observe the following performance requirements:

1. Fire Protection. Fire protection and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
2. Electric Disturbance. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
3. Noise. Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighting scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.
4. Smoke. The maximum amount of smoke emissions permitted shall be determined by the use of the Standard Ringleman Chart issued by the United States Bureau of Mines. No smoke darker than No. 2 will be allowed.
5. Odors. In any district, except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
6. Air Pollution. No pollution of air by fly ash, dust or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.
7. Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. Erosion. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.
9. Water Pollution. The discharge of all waste water shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the Borough and shall comply with any and all other applicable local, state, and federal regulations. Surface water discharge shall be acceptable under the provisions of Pennsylvania Act 537, and other State and Borough regulations as the same may be amended from time to time.

**§1006. Steep Slope Areas.** Any development of slopes of more than 15% must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The Zoning Officer shall refer the plan to the Borough Engineer or a consulting engineer for review and advice before issuing any permit.

## Effect of Slope on Lot Requirements

Slope (%)	Effect on Lot Requirements
8	
0-8	Must meet lot, yard, height and maximum lot coverage indicated in Chapter 9 (§900)
8-15	Minimum lot area and minimum side yard requirements shall be increased by 30%. Minimum Front yard, minimum rear yard, maximum structure height requirements shall be unchanged from that indicated in Chapter 9 (§900). Maximum lot coverage shall be reduced by 15%
15-25	Minimum lot area and minimum side yard requirements shall be increased by 100% Minimum front yard, minimum rear yard and maximum structure height requirements shall be unchanged from that indicated in Chapter 9 (§900) Maximum lot coverage shall be reduced by 50%
25-40	Minimum lot area and minimum side yard requirements shall be increased by 200% Minimum front yard, minimum rear yard and maximum structure height requirements shall be unchanged from that indicated in Chapter 9 (§900) Maximum lot coverage shall be reduced by 75%
40+	May not be developed except for open type uses such as agriculture, recreation, timber management, etc., if approved by the Board.

**§1007. Flood Hazard Areas.** The Borough has adopted an ordinance regulating development within floodplains. All development within designated areas is required to follow the regulations contained in said ordinance. (See Chapter 8 of the Tionesta Borough Code)

**§1008. Swimming Pools.** Swimming Pools are an accessory use in all districts that permit the use of residential dwellings. Requirements are set forth at **§301(4)(A)**

**§1009. Pet Ownership/Limited Animal Raising/Commercial Animal Raising/Breeding** Only traditional outdoor pets will be allowed in Residential, Business and Industrial districts. Traditional outdoor pets are limited to rabbits, dogs and cats. For purposes of this Ordinance, all other outdoor animals are strictly prohibited in the Residential, Business and Industrial districts. In the C-Conservation District, animal raising will be allowed for personal use and enjoyment only, not for breeding, commercial sales or related activity. It is anticipated such animals may include, but shall not be limited to hogs, pigs, chickens, donkeys, horses, goats, ducks, geese, llamas, cows, sheep, turkey, cattle or similar animals for personal use, agricultural/vocational schooling or 4-H projects. As such activities can be highly intrusive upon neighboring properties, they shall be strictly controlled. The following restrictions shall be observed:

1. Regardless of any other regulation of this Chapter or Ordinance, only lots of one (1) acre or more will be permitted to have limited animal raising.
2. All animal areas shall be suitably fenced with well-constructed animal shelters or pens kept in clean and sanitary condition.

3. All animal shelters or pens shall be at least 50 feet from the nearest lot line. All required fencing for animals shall be at least 15 feet from any lot line.

**§1010. Satellite Dish Antenna.** Satellite dish antenna shall be allowed in the rear yard only of any district. The overall height shall not exceed 15 feet.

**CHAPTER 11**  
**Off-Street Loading and Parking**  
**Parking Requirements – Table**

**§1100.**

<u>USE SPACE</u>	<u>REQUIRED PARKING</u>
Auto Sales and Service	1 for Each 400 sq. ft. GFA
Service Stations	2 per Service Bay
Single-family Dwelling and Duplex	2 per Dwelling Unit
Multifamily Dwelling	2.5 per Dwelling Unit*
Mobile Home Parks	2.0 per Each Space
Hotels and Motels	1 per Guest Room**
Funeral Home and Mortuaries	10 for the First Parlor 4 for Each Additional Parlor
Hospitals	1 per Each 2 Beds**
Nursing Homes or Skilled Nursing Facilities	1 per Each 3 Beds
Churches	1 per 4 Seats
Schools	1 per Teacher and Staff 1 for Each 4 Classrooms plus 1 for Each 4 High School Students
Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 per each 3 Seats
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 Space for Each 100 sq. ft. of Public Floor Area
Roller Rinks	1 space for each 200 sq. ft. GFA
Bowling Alleys	5 per alley
Banks and Offices	1 for each 200 sq. ft. GFA
Medical Office and Clinics	8 spaces per doctor
Dental Offices	5 spaces per doctor
Retail Business	1 per each 200 sq. ft. GFA
Fast Food/Drive-In Restaurants	1 per each 50 GFA
Furniture and Appliance Stores	1 per 400 sq. ft. GFA
Food Supermarkets	1 per 200 sq. ft. GFA
Trailer (unpowered vehicle towed by another)	1 per Each 2,500 sq. ft. of Lot Area
Sales and Display and Monument Sales	
Restaurants, Taverns and Nightclubs	1 for Each 2.5 Patron Seats
Swimming Pool (public)	1 for Each 3 Lockers
Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 Space per Employee, on the Largest Shift
Group Homes	1 per Each 3 Beds
Personal Care Homes	At Least 1 parking Space for Each 2 Guests/Occupants Plus 1 Space per Employee.
Reception Hall/Wedding Barn/Banquet Hall	1 per 25% of the maximum occupancy as defined by the Pennsylvania Department of Labor and Industry Occupancy Permit

\* Multi-Family units devoted to the elderly shall only be required to provide 0.5 parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to nonelderly use.

\*\* Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

**§1101. Off-Street Loading and Parking:**

1. Off-Street Loading. Every use which requires the receipt or distribution, by vehicles, of material or merchandise shall provide off-street loading berths in accordance with its size per the table in §1103 below. Because of its developed nature and the location of service alleys, on-street and public parking, off-street loading and parking requirements for current or future uses in the B-Business District shall not be required to provide loading spaces.
2. In all zoning districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Chapter.

**§1102. Off-Street Loading Design:**

1. Size. Each loading berth shall be at least 60 feet in length and 14 feet in width with an overhead clearance of 15 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets, and the design shall be subject to review and approval by the Borough. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
3. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in the minimum required front yard setback. Loading berths shall be located at least 25 feet from the nearest point of intersection of any two streets.
4. Screening. Loading berths that face a residential use or dwelling or that are located in a SF or MF District shall be screened by a minimum eight-foot (8') high wall or opaque fence on all sides that face the residential use or dwelling or any Residential Zoning District and a landscaped strip of not less than ten feet (10') in width shall be planted and maintained with appropriate vegetative landscaping between the loading berth and the residential use or dwelling. Any architectural screens or fences on corner lots shall not impinge on the required free sight triangle at intersections.
5. Surfacing. All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water.
6. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway. Spillover lighting shall not exceed 0.2 foot-candle at any property line.

**§1103. Off-Street Loading Requirements.** In all zoning districts, every use that requires the receipt or distribution, by tractor-trailer, of material or merchandise shall provide off-street loading berths in accordance with the following requirements:

<u>Gross Floor Area</u>	<u>Number of Berths Required</u>
Under 5,000 square feet	None
5,000 to 49,999 square feet	1 berth
50,000 to 99,999 square feet	2 berths
100,000 to 160,000 square feet	3 berths
For each additional 80,000 square feet	1 additional berth

In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

**§1104. Off-Street Parking.**

1. **Size and Access.** Each off-street parking space shall have an area of not less than 200 square feet, being at least 20 feet long with a uniform width of 10 feet, exclusive of access drives or aisles, and shall be in usable shape and condition. Notwithstanding the foregoing, in the case of a single-family dwelling, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a Road, private street, Alley, or other type of easement providing access, an access drive leading to the parking or storage areas or loading spaces shall be provided. Such access drive shall not be less than 10 feet wide. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, single-lane driveways shall be at least 10 feet wide but shall not exceed 12 feet in width; double drives (for ingress and egress) may be up to 24 feet wide. There shall be at least 15 feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin or street intersection radius.

2. **Parking Within Yards.** In Conservation, Single-Family, and Multi-Family Districts, required parking facilities shall be permitted in the rear or side yards. In Single-Family and Multi-Family Districts that do not have on-street parking availability may park in the front yard in an area specifically designed for parking purposes. In other districts parking shall also be allowed in the front yard subject to §1104.5.

3. **Number of Parking Spaces Required.** The number of off-street parking spaces required is set forth in §1100. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met. No parking shall be required for existing or future uses in the B-Business District.

4. Location and Parking. Required parking spaces shall be located on the same lot with the principal use. The Board may permit parking spaces to be located not more than 200 feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

5. Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on any and all sides which adjoin a Single-Family or Multi-Family District, Dwelling or other residential use with screening that shall be no less than six (6) feet six (6) inches (6.6') in height, measuring from the base of the wall or fence where it meets the ground up to and including the upper most portion of any posts or poles. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

6. Minimum Distance and Setbacks. No off-street loading or parking area for more than five (5) vehicles shall be closer than 25 feet to any adjoining property containing a dwelling, school, hospital or similar institution.

7. Surfacing. With the exception of single-family and duplex Dwellings, all parking and loading areas and access drives shall have a paved or oiled surface, graded with positive drainage to dispose of surface water. Parking areas larger than 10,000 square feet shall submit a plan, including drainage provisions, to the Borough Planning Commission for approval. Lots shall be designed to provide for orderly and safe loading and parking.

8. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

9. Storage and Parking of Personal Recreational Items. The outdoor storage of major recreational equipment owned by the occupant of the premises including, but not limited to, Travel Trailers, Motor Homes, tent trailers, pickup campers (designed to be mounted on automotive vehicles), boats and boat trailers shall be permitted in all zoning districts; however, in the Single-Family and Multi-Family districts, storage locations shall comply with the following minimum yard requirements (storage shall not take place in these yard areas):

- Front yard - 40 feet
- Side yards - 10 feet
- Street corner side yard (corner lot) - 40 feet
- Rear yard - 6 feet

10. Parking of Vehicles Used in Vocational/Avocational Pursuits. Nothing in this Chapter shall be considered to prohibit the occupants of a residential property from parking a truck or bus, owned and/or used by the occupant in his vocational or avocational pursuits, on the occupant's property at times when said truck or bus is not used in said vocational or avocational pursuits; providing, however that truck tractors and/or semi-trailers shall not be parked in the open air any closer than 150 feet from the nearest residence on a neighboring property.

11. Outdoor Storage of Inoperative, Unlicensed, Uninspected Vehicles. There shall be no outdoor storage of motor vehicles which are inoperative, unlicensed, unregistered or lack current Pennsylvania inspection in any district. Such vehicles must be stored in garages, barns or other enclosed structures.

**CHAPTER 12**  
**Administration, Enforcement, Appeals and Violations**

**§1200. Administration - Zoning Officer:**

Borough Council shall appoint the Zoning Officer to administer and enforce the provisions of this Ordinance, and the Zoning Officer shall do so in accordance with the provisions of this Ordinance and of the Planning Code. The Zoning Officer shall not hold any elective office in the Borough.

**§1201. Administration - 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 this Ordinance. The Zoning Officer shall be considered as qualified to perform the duties of this office by meeting the qualifications established by the Borough. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

1. Applications for Building Permits and Zoning Certificates. The Zoning Officer shall receive applications for building permits and zoning certificates. A building permit or zoning certificate application must be filed prior to the start of construction or any development by the applicant to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances. Applications conforming to Borough ordinances shall be approved, and those not conforming to such ordinances shall be denied.
2. Inspections. The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a building permit or a zoning certificate has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of a certificate of occupancy.
3. Nonconforming Uses. The Zoning Officer shall prepare and keep an up-to-date register of all nonconforming uses, structures and lots within six (6) months of adoption of this Ordinance. In accordance with the Planning Code, the Zoning Officer must specify the reasons that the uses, lots or structures are nonconforming.
4. Permits, Applications, Appeals and Certificates. The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved, shall receive all applications for conditional uses, variances and special exceptions and forward them to the appropriate body. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding them to the Board.
5. Enforcement. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

## **§1202. Permits and Certificates**

1. Building Permits/Zoning Certificates. An application for a building permit or zoning certificate will be required to show compliance with this and other appropriate Borough ordinances. Prior to a building permit or zoning certificate being issued, the Zoning Officer shall review the application and information relevant to the property to determine if all other necessary government permits required by federal, state and local laws have been obtained including, but not limited to, those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Waters Act, Section 404,33 U.S.C. 1334; and all other applicable laws. Applications shall contain information relative to the proposed construction and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans, as well as the number of copies, time limits and fees for such applications shall be determined by Borough Council.

2. Certificate of Occupancy. A certificate of occupancy shall be required prior to occupancy or use of any vacant land and prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the certificate of occupancy is to confirm that the development described in the building permit or zoning certificate application has been completed in compliance with the application and this Ordinance. A certificate of occupancy shall also be required for a change of use of a structure or land to a different use or for change to a nonconforming use or structure. Prior to a certificate of occupancy being issued, the Zoning Officer shall review the application and information relevant to the property to determine if all other necessary government permits required by federal, state and local laws have been obtained including, but not limited to, those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Waters Act, Section 404,33 U.S.C. 1334; and all other applicable laws.

3. Zoning Certificate. The zoning certificate shall be issued upon request to confirm that the use of land or a building within the Borough is in compliance with this Ordinance. The exact form of the certificate and fees charged shall be determined by the Borough Council.

4. Sign Permit. A sign permit shall be required prior to the erection or alteration of any sign, except any signs specifically exempted from this requirement in §1004 of this Ordinance.

A. Application for a sign permit shall be made in writing to the Zoning Officer and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements contained in §1004 of this Ordinance.

B. No sign permit shall be issued except in conformity with the regulations of §1004 of this Ordinance, except after written order from the Board or the courts.

C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

- i. Exact dimensions of the lot or building upon which the sign is proposed to be erected.
- ii. The exact size, dimensions and location of the sign on the lot or building.
- iii. Any other lawful information which may be required by the Zoning Officer.

**§1203. Appeals, Variances, Special Exceptions and Conditional Uses.**

The Zoning Officer shall receive all appeals, applications for variances and requests for special exceptions and conditional uses. The applications shall be on forms as approved by the Borough or the Board, as appropriate, and shall be accompanied by a fee as set by the Borough Council. It is the intent of this Chapter that all appeal processes follow the Planning Code or other appropriate State law. The filing of appeals and applications for variances and special exceptions shall be within such time limits as shall be set by the Board. Time limits for processing requests for conditional uses will be established by Borough Council.

**§1204. Violations.**

1. Enforcement Notice. When it appears that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the Landowner of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the Landowner. The enforcement notice shall state the following:

- A. The name of the Landowner and any other person against whom the Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance or Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. A statement that the recipient of the notice has the right to appeal to the Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
- F. A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Board, constitutes a violation, with possible sanctions clearly described.

2. Causes 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 this Ordinance, the Borough, the Zoning Officer, or any aggrieved Landowner or tenant of real property who shows that his or her property or person will be substantially affected by the alleged

violation, in addition to other remedies, may institute an 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 Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.

3. Jurisdiction. District justices shall have initial jurisdiction over proceedings brought under this Ordinance or Chapter.

4. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough 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 Borough 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 this 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 this Ordinance shall be paid over to the Borough. Nothing contained in this Section 4 shall be construed or interpreted to grant any person or entity other than the Borough and its Zoning Officer the right to commence any action for enforcement pursuant to this Ordinance or Chapter.

**CHAPTER 13**  
**Zoning Hearing Board**

**§1300. Creation.**

A Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) residents of the Borough appointed by the Borough Council pursuant to the Planning Code, as amended, shall perform all the duties, and exercise all powers prescribed by the Planning Code and this Ordinance.

**§1301. Appointment.**

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough nor be a member of the Planning Commission. Borough Council shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Planning Code

**§1302. Removal of Members.**

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of Borough Council, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**§1303. Organization of Board.**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in §908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Borough ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year or as requested by Borough Council.

**§1304. Expenditure for Services.**

Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members and alternate members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council.

### **§1305. Legal Counsel.**

Where legal counsel is desired, an attorney, other than the Borough Solicitor, shall be employed.

### **§1306. Hearings.**

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Notification shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days prior to the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the notice. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. At least ten (10) days prior to the date of the hearing, the Board shall transmit to the Borough Planning Commission a copy of the application or appeal so that the Planning Commission may have the opportunity of submitting a report to the Board.
2. The Borough Council may prescribe reasonable fees with respect to hearings before the Board. Fees for hearings may include compensation for the Secretary and members of the Board, payment for a stenographer, notice and advertising costs and necessary administrative overhead connected with the hearing. The fees, however, shall not include the cost for legal services of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
4. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
5. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and the Planning Commission or any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. The chairperson or acting chairperson of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.

8. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

9. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be the sole cost and expense of the applicant. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made. In either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

10. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or party's representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Advice from the Board's Solicitor is exempt from this restriction. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or party's representative unless all parties are given an opportunity to be present.

11. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is considered appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that the hearing officer's decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.

12. Where the Board fails to render the decision within the period required by this Chapter or the Planning Code or fails to hold the required hearing within 60 days from the date of applicant's request for a hearing, the decision shall be considered to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the decision within 10 days in the same manner as provided in Subsection A of this Section. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

13. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or by mail not later than the day following the date of the decision. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **§1307. Board's Functions.**

The Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.

2. Challenges to the validity of this Ordinance or other land use ordinances raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.

3. Appeals from the determination of the Zoning Officer 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.

4. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within this Ordinance or other land use ordinances.

5. Applications for variances from the terms of this Ordinance or flood hazard ordinance or such provisions within this Ordinance or a land use Ordinance, pursuant to Section 910.2 of the Planning Code and §1307.8 of this Ordinance.

6. Appeals from the Zoning Officer's preliminary determination under Sections 909.1(a) of the Planning Code.

7. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of this Ordinance or other land use ordinances or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the appeals relate to development not involving applications under Article V (Subdivision and Land Development) or VII (Planned Residential Development) applications of the Planning Code which are administered by Borough Council or Planning Commission if designated by Borough Council.

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

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, 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 this Ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this

Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant;

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may determine is necessary to implement the purpose of this Ordinance.

9. **Special Exceptions.** The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may consider necessary to implement the purpose of this Ordinance.

10. **Nonconforming Uses.** The Board shall have the power to authorize changes of lawful nonconforming uses. The Board may impose such conditions as it determines necessary for the protection of adjacent property, the public interest and the purposes of this Ordinance.

#### **§1308. Parties Appellant Before Board.**

Appeals under §1306 and proceedings to challenge this Ordinance under §1306 may be filed with the Board in writing by the Landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under §1306 may be filed with the Board by any Landowner or any tenant with the permission of such Landowner.

#### **§1309. Time Limitations; Persons Aggrieved.**

No person shall file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough 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 or she had no notice, knowledge or reason to believe that such approval had been given. Any such person who has succeeded to his or her interest after such approval shall be bound by the knowledge of his or her predecessor in interest. Proceedings shall be in accordance with the Planning Code.

#### **§1310. Stay of Proceedings.**

Upon filing of any proceeding referred to in §1306 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. Proceedings shall be in accordance with §915.1 of the Planning Code.

## CHAPTER 14 CONDITIONAL USES

### **§1400. General.**

Conditional uses may be allowed or denied by Borough Council after recommendations by the Planning Commission in accordance with any and all specific criteria contained in this Ordinance and the following provisions. In allowing a conditional use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

### **§1401. Application.**

Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

1. Fee. An application fee in an amount equal to that set by resolution of Borough Council.

2. Plans. Two (2) copies of a site plan and supporting data which shows the size, location and topography of the site; the use of adjacent land; the proposed size, bulk, use and location of all buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles; stormwater management plan; and the timing of construction proposed.

### **§1402. Review.**

The Zoning Officer shall forward copies of the application to Borough Council and to the Planning Commission for review and comment, within 10 days of the date of the application.

1. Review and Comment. The Planning Commission shall forward its recommendation to Borough Council within 40 days unless the applicant agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.

2. Hearing. Borough Council shall conduct a public hearing to consider the conditional use application within 60 days of the date that the application is filed unless the applicant has agreed in writing to an extension of time. Borough Council shall render its written decision within 30 days following the date the hearing is held to consider the conditional use application.

3. Public Notices. Notification shall be given by Borough Council once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the conditional use application 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 (7) days prior to the date of the public hearing. Written notice shall be given to the applicant, the Zoning Officer, the Borough Planning Commission and to any person who has made timely request for this notice. In addition to the above notices, written notice of the public hearing shall be conspicuously posted on the affected property at least one (1) week prior to the hearing.

4. Parties to Hearing. The parties to the hearing shall be the Borough, any person affected by the conditional use application who has made timely appearance of record before Borough Council, and the Planning Commission or any other person, including civic or community organizations permitted to appear by Borough Council. Borough Council shall have power to require that all persons who wish to be considered parties enter appearances in writing.

5. Record of Hearing. Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be the expense of the applicant. The cost of the original transcript shall be paid by Borough Council if the transcript is ordered by Borough Council or shall be paid by the person appealing from the decision of Borough Council if such appeal is made. In either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

6. Restrictions. Borough Council members shall not communicate, directly or indirectly, with any party or party's representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Advice from the Borough Solicitor is exempt from this restriction. Borough Council shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed, and shall not inspect the site or its surroundings after the commencement of hearings with any party or party's representative unless all parties are given an opportunity to be present.

7. Legal Counsel. The parties shall have the right to be represented by legal counsel.

8. Fees. Borough Council may prescribe reasonable fees with respect to hearings. Fees for hearings may include compensation for the Secretary, public notices and advertising, costs and necessary administrative overhead connected with the hearing. The fees, however, shall not include the cost for legal services of Borough Council, expenses for engineering, architectural or other technical consultants or expert witness costs.

9. Conditions. Borough Council may attach such conditions as it deems necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be recorded by the applicant within 30 days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

10. Final Decision.

A. Where Borough Council fails to render the decision within the period required by this Ordinance or fails to hold the required hearing within 60 days from the date of the conditional use application, the decision shall be considered to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as hereinabove provided, it shall give public notice of the decision within 10 days in the same manner as provided in §1402.3. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or by mail not later than the day following the date of the decision. To all other persons who have filed their name and address with Borough Council no

later than the last day of the hearing, Borough Council shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**§1403. Criteria for Approval.** A conditional use shall be approved if, and only if, it is found to meet the following provisions and the criteria contained in this Ordinance:

1. Use. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

2. Special Standards. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Ordinance.

3. Performance Standards. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards set forth in §1005.

4. Relationship. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

5. Environment. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

6. Screening. A nonresidential use proposed in a SF Residential District or a MF Residential District shall be adequately screened from residential areas as deemed appropriate by Borough Council.

7. Parking. Adequate off-street parking shall be provided in accordance with Chapter 11. No off-street parking area for a nonresidential use shall be closer than 25 feet to any adjacent lot in a residential district.

8. Access. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

9. Objectives. The proposed use shall preserve the objectives of this Ordinance.

**CHAPTER 15**  
**SPECIAL EXCEPTIONS**

**§1500. Denial of Approval.** The Board shall hear requests for special exception applications, as permitted under the provisions of this chapter. The Board recognizes that certain uses may or may not be appropriate at every location within any specific district and, where it appears that a use permitted by special exception fails to comply with all of the definitional aspects thereof or would be contrary to the public health, safety, morals and/or welfare of the community at specific locations within a district, the use would not be permitted there.

**§1501. Conditions Precedent.** In granting any special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter or Ordinance and the Planning Code, as amended. The Borough or the Board may, by rule, prescribe the form of application and may require a preliminary application to be issued and reviewed by the Zoning Officer.

**§1502. Comments from the Borough Council, Planning Commission and Zoning Officer.** The Board shall consider the comments issued by Borough Council, Planning Commission, Engineer, Zoning Officer and/or other agencies that could assist the Board with the special exception application. All such comments shall be made either in writing and presented as evidence during the hearing or as part of sworn testimony at the public hearing.

**§1503. Criteria for Approval.** The Board shall consider the following issues prior to rendering its decision on a special exception application:

1. Special exceptions must satisfy all other requirements for the zone district in which they are to be located.
2. Any use shall be one which is specifically authorized as a special exception use within the zoning district wherein the applicant seeks a special exception.
3. Special exceptions shall only be granted subject to any applicable conditions and safeguards as required by this Chapter or Ordinance.
4. Such use shall not adversely affect the health, safety and/or welfare of residents or property owners within the general neighborhood.
5. There will be no adverse effect of the proposed special exception upon the logical, efficient and economical extension of public facilities and services, including public water, sanitary sewers, streets, police and fire protection, public schools and all other similar facilities and services that are considered appropriate by the Board.
6. The Board may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking and sanitation. The preservation and integrity of existing development in neighborhoods must be carefully weighed and given priority in each decision.

**§1504. Time Limitation After Approval.** The approval of a special exception, if authorized by the Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy is initiated within said one-year term or said term is expressly extended as part of the initial approval or a further extension of the term being granted by the Board prior to the expiration of the one-year period. In the event that the activity anticipated by the special exception should not be initiated within one year of the approval or such additional term as may be expressed in the approval or should the activity which is the subject of the special exception be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

**CHAPTER 16**  
**ZONING VARIANCES**

**§1600. Unnecessary Hardship.** The Board shall hear requests for zoning variance applications, where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The zoning variance application shall be considered by the Board in accordance with the provisions specified by this chapter.

**§1601. Conditions Precedent.** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Planning Code. The Board may, by rule, prescribe the form of application and shall require a preliminary application to be issued and reviewed by the Zoning Officer.

**§1602. Comments from the Borough Council, Planning Commission and Zoning Officer.** In all cases before the Board, Borough Council, the Planning Commission and the Zoning Officer may review and comment on the zoning variance application prior to rendering a decision.

**§1603. Criteria.** The Board may grant a variance, provided that all the following findings are made where relevant in a given case:

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 condition and not circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
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 this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
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.
5. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**§1604. Time Limitation After Approval.** The approval of a variance, if authorized by the Board, which anticipates construction or modification of a structure, creation of new or revised lot lines or dimensional standards for a property or structure situated thereon, shall be valid and remain in effect for a term of one year from the date of said approval and shall thereafter expire and be void unless said construction, modification, new or revised lot lines or dimensional standards or change of use or occupancy is initiated within said one-year term or said term is expressly extended as part of the initial approval. In the event that the activity anticipated by the variance should not be initiated within one year of the approval or such additional term as may be expressed in the approval, or should the activity which is the subject of the variance be discontinued, the premises or structure or structure situated thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located.

**§1605. De Minimis Impact.** For zoning variance applications where compliance with the minimum dimensional requirements and/or maximum coverage requirements of this Ordinance are considered to be "de minimis" in terms of their impact, the Board shall consider such application in accordance with state law.

**CHAPTER 17**  
**Amendments**

**§1700. General.** Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of Borough Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the Borough.

**§1701. Petitions.** Petitions for amendments shall be filed with the Planning Commission; the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule fixed by Borough Council.

**§1702. Referral.** Any proposed amendment presented to Borough Council without written findings and recommendations from the Planning Commission and the Forest County Planning and Conservation District shall be referred to these agencies for their review and recommendations prior to the public hearing by Borough Council. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the Borough and Forest County Planning and Conservation District.

**§1703. Action.** Before action upon a proposed amendment, Borough Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies may be examined. Notice shall be published in accordance with the provisions of the Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with the Planning Code.

**§1704. Curative Amendments.**

1. A Landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which the Landowner has an interest, may submit a curative amendment to Borough Council with a written request that the challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Planning Code, as amended. Borough Council shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Planning Commission and the Forest County Planning and Conservation District at least 30 days before the hearing is conducted by Borough Council. Public notice shall be given in accordance with applicable provisions of the Planning Code.

2. The hearings shall be conducted in accordance with Section 916.1 of the Planning Code. The findings, actions and considerations of the Borough Council shall be in accordance with Section 609.1 of the Planning Code.

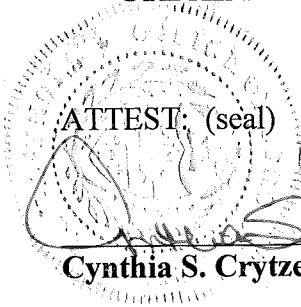
3. The Borough may institute a municipal curative amendment in accordance with Section 609.2 of the Planning Code.

**CHAPTER 18  
Miscellaneous**

§1801. **Repealer.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

§1802. **Effective Date.** This Ordinance shall become effective upon its enactment.

**ORDAINED AND ENACTED** this 19<sup>th</sup> day of OCT., 2021.



TIONESTA BOROUGH

BY: Robert G. Holzer  
Robert G. Holzer, Borough Council  
President

**EXAMINED AND APPROVED BY ME** this 19<sup>th</sup> day of October, 2021.

Judith M. McDaid  
Judith M. McDaid, Mayor