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Warren County Planning & Zoning Department
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ARTICLE I PURPOSE AND AUTHORITY

Section 101 Title

This Ordinance shall be known and may be cited as the Warren County Zoning Ordinance. The accompanying district map shall be known and may be cited as the Warren County Zoning Map.

Section 102 Authority

By the authority granted to Warren County through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and Map are intended to:

- 102.1** Implement the Warren County Comprehensive Plan of 2022, its Community Development Objectives, and those set forth by Article 2 of this Ordinance;
- 102.2** Determine and regulate the uses of land and watercourses;
- 102.3** Regulate the density of population and intensity of use;
- 102.4** Regulate the location and use of buildings, structures, and land;
- 102.5** Regulate the size, height, bulk, erection, construction, alteration, number of stories, size, and placement of buildings and structures;
- 102.6** Divide the County into districts of such size, shape, and area, and establish such zoning map, as may be deemed best suited to carry out the regulations; and
- 102.7** Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances;
- 102.8** Protect and preserve natural and historic resources and prime agricultural land and activities.

Section 103 Purpose

These regulations are necessary to encourage beneficial growth in the County while keeping the density of development consistent with existing community facilities and the ability to develop new facilities needed. Although this is a County Zoning Ordinance, it is intended to reflect the need to help provide for sound growth and to help preserve the individual municipalities that are covered by these regulations. These regulations are expected to:

- 103.1** Promote public health, safety, morals, and general welfare;
- 103.2** Conserve and stabilize property values through the encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well.

103.3 Secure safety from fire, flood, panic, and other dangers by providing adequate open spaces for light, air, and amenity, and by promoting emergency preparedness and operations;

103.4 Preserve steep slope forestlands, agricultural lands, historic resources, floodplains, and recreation areas in their natural state, or from conflict with urban development;

103.5 Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

103.6 Facilitate the economic provision of safe, adequate, and reliable transportation, water supply, sewage disposal, public schools, parks, and other public requirements; and

103.7 Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads.

103.8 And other appropriate purposes as enumerated by Article VI of the Pennsylvania Municipalities Planning Code and this Ordinance.

Section 104 Compliance

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

Section 105 Schedule of Fees

105.1 The County shall, from time to time, establish, by resolution, a schedule of fees, charges, and expenses for permits, appeals, and all other matters pertaining to this Ordinance.

105.2 No permit, certificate, application, or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees, or expenses have been paid.

105.3 A zoning certificate or permit shall be required for all new construction, additions, or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or any change in use.

Section 106 Interpretation of Regulations

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance or with any other lawfully adopted rules, regulations, or ordinances, the more restricted requirements shall govern.

Section 107 Severability Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

Section 108 Repeal

Any resolution or ordinance, or any part of any resolution or ordinance, conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict. In particular, Ordinance No. 1 of 1965 is hereby repealed in its entirety.

Special Note: All words that are defined in this Ordinance are presented in bold italics in certain areas of the text.

ARTICLE II COMMUNITY DEVELOPMENT OBJECTIVES

201 The Warren County Comprehensive Plan enumerates the Community Development Objectives of this Ordinance in detail. These can be generalized as follows:

201.1 Quality of Life: The citizens of Warren County believe its quality of life, especially its scenic beauty, small-town/rural atmosphere, and expanses of open space, are critical qualities that must be preserved.

201.2 Consistent with this first goal, there is also a recognition that the County needs to encourage true economic development to help create viable employment opportunities for current residents, and the youth of the County, as well as to encourage new businesses.

201.3 To promote the wise use of the County's natural resources, including its forests, mineral resources, and agriculture. Because of this concern, the County has adopted policies in this Ordinance that do not unduly restrict activities in these areas.

201.4 To coordinate land-use policies with infrastructure capacity and policy. By focusing on higher-density uses in areas where infrastructure is present or reasonably available, unnecessary and costly utility extensions can be avoided.

201.5 Encourage a variety of housing types for County residents of all ages.

201.6 To preserve and enhance the natural beauty of the County to facilitate tourism.

201.7 It is the County's policy to protect prime farmland consistent with the other goals set forth in this Ordinance and the County's Comprehensive Plan.

201.8 Through its insistence that mineral resources only be utilized after the issuance of all appropriate State permits, the County demonstrates its commitment to protecting its natural resources.

201.9 The County supports the protection of historic resources and will respect officially designated historic structures or districts, be they certified by either the Commonwealth, the Federal government, or by a local historic district, in any deliberation required under this Ordinance.

ARTICLE III DISTRICT DESCRIPTIONS

Section 301

301.1 A map entitled the Warren County Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the offices of the Warren County Planning Commission.

301.2 Application: The Warren County Zoning Ordinance covers the municipalities of:

Boroughs:

Clarendon 1965
Sugar Grove 1968
Tidioute 1973

Townships:

Columbus 1966
Conewango 1966
Deerfield 2020
Eldred 1965
Elk 1965
Farmington 2024
Glade 1965
Mead 1965
Pine Grove 1965
Pleasant 1966
Southwest 1968

(*Farmington Twp. removed per
Ordinance #232 on 10/10/12 –
Reinstated 04/2024)

Additional municipalities may be added upon an official written request of the municipality. The Warren County Zoning Map would then be amended to include such additional municipalities.

301.3 To promote the health, safety, morals, and general welfare of the County, that portion of Warren County indicated on the Zoning Map is hereby divided into the following nine (9) classes or districts and two overlay districts:

Agriculture-Conservation-Recreation	“ACR” District
Residential – Low Density	“R-1” District
Residential – High Density	“R-2” District
Business	“B” District
Business-Transitional	“BT” District
Industrial	“I” District
Industrial and Business Park	“IBP” District
Planned Development**	“PD” District
Village	“V” District
Byway Overlay District	“BW” District
Airport Overlay District	“APT” District

**Planned Development (“PD” Districts are established by action of the County Commissioners in accordance with Section 310 and Article 10 of this Ordinance.)

301.4 District Boundaries. District boundaries that are shown between the lines of streets, streams, and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose outlined in all relevant provisions of this Ordinance.

301.5 Lots in Two Districts: Where a district boundary line divides a lot, the uses and the regulations of the less restricted portion of the lot may be extended not more than thirty (30) feet into the more-restricted portion, provided the lot has frontage on a street in the less-restricted district. The uses and the regulations of the less-restricted district may be extended further into the more-restricted district upon approval of the Zoning Hearing Board granted in accordance with Article VIII.

301.6 Zoning District Changes: All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

301.7 District Regulations:

301.7.1 No structure or land shall hereafter be used or occupied, and no structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations for the district in which it is located, except as may be provided in Article V, Section 501, of this Ordinance. Also, all applications must comply with all federal, state, and municipal ordinances. When a municipality initiates a hold on the issuance of the zoning permit, the permit will not be issued until written evidence from the municipality clears the violation.

301.7.2 No part of a yard, open space, parking space, or loading space required for any structure under this Ordinance shall be included as part of a yard, open space, parking space, or loading space similarly required for another structure except in the “B” Business District.

301.7.3 No yard, lot, or parking space now existing shall be reduced in size below the minimum requirements of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet its minimum requirements.

301.8 Uniformity: Within each district, the regulations established by this Ordinance shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

301.9 Unaddressed Uses: Any proposed use, which is neither specifically permitted nor excluded within a zone by the Ordinance, shall be presented to the Planning and Zoning Commission before its initiation. The Commission shall review the proposed use (to determine its compatibility for the zone in which its placement is proposed) and make a recommendation as to the use’s compatibility with the Warren County Commissioners. The Commissioners, upon receiving the recommendation, shall schedule within 15 days a public hearing on the proposed use. At any regular or special meeting for general purposes following the public hearing, but in any case within 15 days of such hearing, the Commissioners shall make a final decision regarding the placement of the use in the district proposed. Both the Planning and Zoning Commission, in its recommendation, and the Warren County Commissioners, in their decision, may attach such conditions to the use as deemed necessary to protect the integrity of the zone involved.

301.10 Permitted Uses, Conditional Uses, and Special Exceptions: The permitted uses, conditional uses, and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless noted. Conditional uses may be granted or denied by the Board of County Commissioners with the advice of the Planning Commission in accordance with the express standards and criteria of this Ordinance. In granting a conditional use, the Board of Commissioners may attach such reasonable conditions as they may deem necessary to implement the purposes of this Ordinance and safeguard the neighborhood. Special exceptions may be granted or denied

by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood.

Uses in each category shall be according to the common meaning of the term or according to definitions outlined in Article 6.

301.11 Forestry: The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. This use will be subject to the following conditions:

301.11.1 All tree harvesting practices must protect nearby structures and utility lines. No uncontrolled felling shall be allowed in developed areas.

301.11.2 In “R” Districts, to avoid traffic congestion and sound disturbance, all activities must start after 7:00 a.m. and end by 7:00 p.m.

Section 302 Agriculture-Conservation-Recreation “ACR” Districts

This district is meant to provide space for agricultural, outdoor recreational, conservation, and other uses that comprise an important part of the economy. The intent is to permit prime farmlands best suited for agriculture and conservation to be utilized for these purposes and to prevent the encroachment of urban and other incompatible land use thereon. The recreational use intended for this district focuses on outdoor pursuits such as game lands, parks, playgrounds, golf courses, hunting preserves, and similar activities.

The second purpose of this district is to provide suitable locations on the fringes of the urban areas for urbanization, which may occur in the foreseeable future. It is not intended that this district provide a location for a lower standard of development than is authorized in other districts.

ACR - Agriculture, Conservation, Recreation District	
PERMITTED USES	
Accessory Uses and Structures	Golf Course , Public, and Private (401.18)
Agriculture	Greenhouses, Nurseries, and Landscaping
Agricultural Services	Home Occupations (401.20)
Backyard Chickens (401.50)	Municipal Buildings
Bed and Breakfast (401.3)	No-Impact Home-Based Occupations ⁽²⁾
Business directly connected to agriculture	Personal Storage Building
&recreational activities (401.4)	Public Parks and Playgrounds (401.6)
Camp/Recreational Cabin	Roadside Stands (401.34)
Campgrounds (401.26)	Rooming/Boarding Houses (401.37)
Communications Antenna (401.7)	Self-Storage Units (401.39)
Concentrated Animal Feeding Operation (401.49)	Single-Family Dwellings
Driving Ranges (401.18)	Stables and Riding Academies
Essential Services	Two (2) Single-Family Dwellings ⁽¹⁾
Excavating Contracting	Two-Family Dwellings (Duplex)
Family Day Care Homes (401.9)	Warehouses
Farms/Hobby Farms (401.34)	
Farm Equipment Sales and Service (401.12)	
Forestry	

SPECIAL EXCEPTIONS

<p>Automotive Repair (401.2) Boarding/Rooming House (401.37) Butcher shops (401.4)</p> <p>Cemeteries (401.5) Churches (401.6) Communications Towers (401.7) Contractor Yard / Oil Field Service Yard (401.53) Dairy Processing and Manufacturing (401.47) Dog Kennels (401.10) Dog Park (401.51) Ethanol Production for Fuel (515) Farm Occupations (401.13)</p> <p>Feed Mills (401.14) Fire Stations (401.15) Flea Markets (401.30) Gasoline Service Station Group Day Care Homes/Centers (401.9) Hotels, Motels, and Resort Development (401.22) Industrial / Commercial Sandblasting & Painting Services (401.52) Junk Yards (401.24)</p>	<p>Medical Clinic (401.25) Mobile Home Parks (401.26) Municipal and Public Utility Storage Yards and Repair Shops (401.28) Outdoor Commercial Recreation (401.30) Personal Care Homes (401.31) Radio, TV, and/or broadcasting facilities (401.34)</p> <p>Sawmills (401.38) Small engine/lawnmower repair (401.41)</p> <p>Surface Mining, Sand and Gravel Pits (401.42) Transfer Stations (401.43) Truck Repair (401.2) Truck Terminal (401.44) Ultra-light Airport (401.45) Utility Substations (401.46) Veterinary Establishments (401.10)</p> <p>Wholesale dairy products (401.47)</p>
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CONDITIONAL USES

<p>Airports (401.1) Colleges (401.6)</p>	<p>Outdoor (Drive-In) Theater (401.30) Public or Private Schools (401.6)</p>
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TABLE 302
ACR - AGRICULTURE, CONSERVATION, RECREATION DISTRICT
LOT, YARD, & HEIGHT REQUIREMENTS

	Single-Family Dwellings	Two-Single Family Dwellings	All Other Uses
Minimum Lot Area*	1 Acre	1.5 Acres	1 Acre
Minimum Lot Width	150 Feet	150 Feet	150 Feet
Minimum Front Yard Setback ⁽³⁾	50 Feet	50 Feet	50 Feet
Minimum Side Yard Setback ⁽³⁾	12 Feet	12 Feet	12 Feet
Minimum Rear Yard Setback ⁽³⁾	40 Feet	40 Feet	40 Feet
Maximum Height **	35 Feet	35 Feet	45 Feet
Maximum Lot Coverage	20%	20%	25%

*All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system comply with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority, and the applicant must provide evidence of that approval before the zoning application can be considered.

** See Section 505.2

(1) On lots of 1.5 acres or more, two separate dwelling units may be permitted.

(2) See Article 6, Definitions.

(3) SETBACK - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board. Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or a wetland, a department of the Army permit is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit, and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 303 Residential “R-1” District:

This district is primarily intended for residential use at a low-to-medium density with or without utilities. This district is reserved primarily for single-family dwellings and their accessory uses, and only one dwelling per lot. Studio apartments, garage apartments, and duplexes are not allowed in the “R1” district.

R1 - Residential District	
PERMITTED USES	
Accessory Uses and Structures Backyard Chickens (401.50) Camp/Recreational Cabin Essential Services Family Day Care Home (401.9) Farms/Hobby Farms (401.34) Forestry	Group Day Care Homes (401.9) Home Occupations (401.20) Municipal Office Buildings No-Impact Home-Based Occupations⁽¹⁾ Personal Storage Buildings Single-Family Dwellings Two (2) Single-Family Dwellings⁽³⁾

SPECIAL EXCEPTIONS	
Adult Day Care (401.9) Bed and Breakfast (401.3) Cemeteries (401.5) Churches (401.6) Cemeteries (401.5) Churches (401.6) Communications Towers (401.7) Day Care Centers (401.9) Dog Park (401.51) Fire Stations (401.15) Funeral Home (401.16)	Golf Courses (401.18) Libraries (401.6) Medical Clinics (401.25) Professional Offices (401.32) Nursing Homes (401.21) Personal Care Homes (401.31) Public Parks and Playgrounds (401.6) Utility Substations (401.46)

CONDITIONAL USES	
Public or Private Schools (401.6)	Hospitals (401.21)

TABLE 303
RESIDENTIAL “R-1” DISTRICT
LOT, YARD, AND HEIGHT STANDARDS

	All Uses
Minimum Lot Area with Public Water and Sewer	7,500 Square Feet
With Public Sewer Only	10,000 Square Feet
On-Lot Sewer*	1 Acre
Minimum Lot Width	
With Public Water and Sewer	65 Feet
With Public Sewer Only	80 Feet
With On-Lot Water and Sewer	100 Feet
Minimum Front Yard Setback** (2)	30 Feet
Minimum Side Yard Setback (2)	Total 25 Feet, Minimum 10 Feet****
Minimum Rear Yard Setback (2)	30 Feet
Maximum Height	35 Feet
Maximum Lot Coverage	20%

* All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system comply with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority and the applicant must provide evidence of that approval before the zoning application can be considered.

**To be increased to 40 feet on all State or Federally designated traffic routes.

(1)See Article 6, Definitions

(2)**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

(3)On lots of 1.5 acres or more, two separate dwelling units may be permitted.

****On-lot sewer with public water only, each side yard shall be at least 15 feet. Lots with on-lot water and sewage, each side yard shall be at least 20 feet.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or a wetland, a permit from the Department of the Army is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit, and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 304 R-2 Residential District:

The R-2 Residential District is established to provide for the continuation of a quality residential environment where dwellings at various densities and compatible institutions can thrive.

R2 - Residential District	
PERMITTED USES	
Accessory Uses and Structures	Group Day Care Homes (401.9)
Backyard Chickens (401.50)	Hobby Farms (401.34)
Bed and Breakfast (401.3)	Home Occupations (401.20)
Camp/Recreational Cabin	No Impact Home-Based Occupations ⁽¹⁾
Communication Antennas (401.7)	Personal Storage Buildings
Essential Services	Single-Family Dwellings
Family Day Care Homes (401.9)	Two-Family Dwellings (Duplex)
Forestry	Two (2) Single Family Homes ⁽⁴⁾
Club, Lodge, Fraternity, or Sorority house	

SPECIAL EXCEPTIONS	
Adult Day Care (401.9)	Medical Clinic (401.25)
Communications towers (401.7)	Mobile Home Parks (401.26)
Churches (401.6)	Multiple-Family Dwellings (401.27)
Cemeteries (401.5)	Nursing Homes (401.21)
Day Care Centers (401.9)	Personal Care Homes (401.31)
Dog Park (401.53)	Professional Offices (401.32)
Fire Station (401.15)	Utility Substations (401.46)
Funeral Homes (401.16)	

CONDITIONAL USES	
Public or Private Schools (401.6)	Hospitals (401.21)

TABLE 304			
R-2 RESIDENTIAL DISTRICT			
LOT, YARD, AND HEIGHT REQUIREMENTS			
	With Public Sewer	On-Lot Water and Sewer	Public Water
Minimum Lot Area ^{*(1)}	7,500 Square Feet	1 Acre	20,000 Square Feet
Minimum Lot Width	65 Feet	100 Feet	100 Feet
Minimum Front Yard Setback ^{** (3)}	30 Feet	30 Feet	30 Feet
Minimum Side Yard Setback ⁽³⁾	10 Feet	10 Feet	10 Feet
Minimum Rear Yard Setback ⁽³⁾	30 Feet	30 Feet	30 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Lot Coverage	25%	25%	25%

*All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system comply with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority and the applicant must provide evidence of that approval before the zoning application can be considered.

**To be increased to 40 feet on all State and Federally designated traffic routes.

(1)See Article 6, Definitions

(2)For Single-family dwellings

(3)**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

(4)On lots of 1.5 acres or more, two separate dwelling units may be permitted.

Two-family dwellings (Duplex) with public sewers shall have a lot area of 12,000 square feet with a minimum lot width of one hundred (100) feet. Two-family dwellings (Duplex) & Two(2) single-family dwellings with on-lot sewage disposal shall provide a lot of 1.5 acres and a lot width of 125 feet.

Multi-family dwellings with public sewers shall provide a lot of 12,000 square feet plus 1,500 square feet for every unit over two. The minimum lot width shall be one hundred (100) feet. Multiple-family dwellings with on-lot sewage disposal shall be 1.5 acres plus 5,000 square feet for every dwelling unit over two. The minimum lot width shall be one hundred fifty (150) feet.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or a wetland, a permit from the Department of the Army is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit, and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 305 V-Village District:

The V-Village District is established to provide for the continuation of a historic pattern of low-impact mixed uses, where dwellings at various densities and compatible institutions or small businesses can thrive.

VILLAGE DISTRICT	
PERMITTED USES	
Accessory Uses and Structures	Group Day Care Homes (401.9)
Agricultural Services (401.4)	Home Occupations (401.20)
Banks	Limited Retail Business
Bed and Breakfast (401.3)	No Impact Home-Based Occupations
Camp/Recreational Cabin	Personal and Professional Services
Communication Antennas (401.7)	Single-Family Dwellings
Essential Services	Two (2) Single Family Dwellings ⁽²⁾
Family Day Care Homes (401.9)	Two-Family Dwellings (Duplex)
Forestry	

**VILLAGE DISTRICT
SPECIAL EXCEPTIONS**

Adult Day Care (401.9)	Funeral Homes (401.16)
Car Wash (401.29)	Medical Clinic (401.25)
Cemeteries (401.5)	Multiple-Family Dwellings (401.27)
Churches (401.6)	Personal Care Homes (401.31)
Communications Towers (401.7)	Professional Offices (401.32)
Convenience Stores (401.8)	Residence above Business Uses (401.35)
Day Care Centers (401.9)	Restaurants (401.36)
Fire Stations (401.15)	Utility Substations

CONDITIONAL USES

Public or Private Schools (401.6)	Hospitals (401.21)
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**TABLE 305
V-VILLAGE DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

	With Public Sewer	On-Lot Sewer*	On-Lot Water
Minimum Lot Area**	7,500 Square Feet	1 Acre	20,000 Square Feet
Minimum Lot Width	65 Feet	100 Feet	100 Feet
Minimum Front Yard Setback*** (1)	30 Feet	30 Feet	30 Feet
Minimum Side Yard Setback ⁽¹⁾	10 Feet	10 Feet	10 Feet
Minimum Rear Yard Setback ⁽¹⁾	30 Feet	30 Feet	30 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Lot Coverage	25%	25%	25%

* All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system comply with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority and the applicant must provide evidence of that approval before the zoning application can be considered.

**For Single-family dwellings – Two-family dwellings with public sewers shall have a lot area of 12,000 square feet with a minimum lot width of one hundred (100) feet. Two-family dwellings (Duplex) &

Two(2) Single-Family Dwellings with on-lot sewage disposal shall provide a lot of 1.5 acres and a lot width of 125 feet.

⁽¹⁾**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

⁽²⁾On lots of 1.5 acres or more, two separate dwelling units may be permitted.

Multi-family dwellings with public sewers shall provide a lot of 12,000 square feet plus 1,500 square feet for every unit over two. The minimum lot width shall be one hundred (100) feet. Multiple-family dwellings with on-lot sewage disposal shall be 1.5 acres plus 5,000 square feet for every dwelling unit over two. The minimum lot width shall be one hundred fifty (150) feet.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or wetland a department of the Army permit is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 306 Business Transitional “BT” District:

These districts are for existing and future retail business activity occurring in transitional areas, along major local roads and streets, and in new developing sections of the County. (See also 513.)

BT - BUSINESS TRANSITIONAL DISTRICT	
PERMITTED USES	
Accessory Uses and Structures	Home Occupations (401.20)
Backyard Chickens (401.50)	Limited Retail Business
Bed and Breakfast (401.3)	Multiple-Family Dwellings*
Camp/Recreational Cabin	No Impact Home-Based Occupations
Communications Antennas (401.7)	Personal Services
Essential Services	Public Parks and Playgrounds
Family Day Care Homes (401.9)	Single-Family Dwellings
Farms/Hobby Farms (401.34)	Two (2) Single Family Dwellings ⁽²⁾
Forestry	Two-Family Dwellings (Duplex)
Group Day Care Homes/Centers (401.9)	

BT – BUSINESS TRANSITIONAL SPECIAL EXCEPTIONS	
Adult Day Care (401.9)	Medical Clinic (401.25)
Automotive Repair (401.2)	Nursing Homes (401.21)
Auto Sales (401.29)	Personal Care Homes (401.31)
Bank	Professional Offices (401.32)
Car Washes (401.29)	Radio and Television Broadcasting Facilities (401.33)
Churches (401.6)	Residence above Business Uses (401.35)
Commercial Recreation	Restaurants
Communications Towers (401.7)	Retail Business
Convenience Stores (401.8)	Lumber Yards
Drive-In / Through Restaurants (401.11)	Self-Storage Facilities (401.39)
Dog Park (401.53)	Utility Substations (401.46)
Fire Stations (401.15)	Veterinary Establishments (401.10)
Funeral Homes (401.16)	Woodworking
Golf Courses (401.18)	
Libraries	

CONDITIONAL USES	
Public or Private Schools (401.6)	Hospitals (401.21)

TABLE 306 BT – BUSINESS TRANSITIONAL DISTRICT LOT, YARD, AND HEIGHT REQUIREMENTS	
	All Uses
Minimum Lot Area*	1 Acre
Minimum Lot Width	100 Feet
Minimum Front Yard Setback ⁽¹⁾	20 Feet**
Minimum Side Yard Setback ⁽¹⁾	None required for nonresidential***
Minimum Rear Yard Setback ⁽¹⁾	20 Feet
Maximum Height	60 Feet
Maximum Lot Coverage****	75%

*All residential uses shall comply with the lot, yard, and height requirements of the “R2” District.

⁽¹⁾**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

⁽²⁾On lots of 1.5 acres or more, two separate dwelling units may be permitted.

* All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system comply with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority, and the applicant must provide evidence of that approval before the zoning application can be considered.

**To be increased to 40 feet on all State and Federally designated traffic routes.

*** If abutting an "R" District, a 20-foot side yard is required.

**** Maximum lot coverage would include the total imprint (structures, parking areas, unloading areas, access roads, etc.) The maximum building size can only be 10% of the lot size, as this applies to Special Exception items listed above.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or a wetland, a permit from the Department of the Army is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit, and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 307 Business “B” District:

These districts are designed for centrally located retail and business areas. All nonresidential uses abutting a residential use or zoning classification will have a buffer area as described in this ordinance at least six (6) feet deep measured from the property line.

B - BUSINESS DISTRICT	
PERMITTED USES	
Accessory Uses and Structures	Municipal Buildings
Automotive Repair (401.2)	No Impact Home-Based Occupations
Auto Sales (401.29)	Parks and Playgrounds
Banks	Personal Services
Camp/Recreational Cabin	Pet Shops
Club, Lodge, Fraternity, or Sorority House	Professional Offices (401.32)
Commercial Recreation	Restaurants
Communication Antennas (401.7)	Retail Stores
Dog Kennels (401.10)	Self-Storage Units (401.39)
Essential Services	Service Businesses
Family Day Care Homes (401.9)	Single-Family Dwellings
Farm Equipment Sales and Service (401.12)	Two-Family Dwellings (Duplex)
Forestry	Multi-Family Dwellings
Funeral Homes (401.16)	Small Engine/Lawn Mower Repair (401.41)
Greenhouses, Nurseries, and Landscaping	Theaters (Indoors)
Group Day Care Homes (401.9)	Veterinary Establishment
Home Occupations (401.20)	Woodworking
Hotels and Motels (401.22)	
Lumber Yards	

**B – BUSINESS DISTRICT
SPECIAL EXCEPTIONS**

Agriculture and Accessory Uses (401.34)	Libraries (401.6)
Bed and Breakfast (401.3)	Medical Clinic (401.25)
Bar or Tavern	Municipal and Public Utility Storage Yards and Repair Shops (401.28)
Car Washes (401.29)	Nursing Homes (401.21)
Churches (401.6)	Outdoor Commercial Amusements (401.30)
Commercial Garages (401.17)	Outdoor Flea Markets (401.30)
Communications Towers (401.7)	Personal Care Homes (401.31)
Contractor Yard (401.53)	Radio and Television Facilities (401.33)
Convenience Stores (401.8)	Residence above Business Uses (401.35)
Day Care Centers (401.9)	Shopping Centers (401.40)
Dog Park (401.51)	Truck Repair (401.2)
Drive-In/Thru Restaurants (401.11)	Truck/Bus Terminal (401.44)
Fire Stations (401.15)	Utility Substations (401.46)
Gasoline Service Stations (401.17)	
Golf Courses (401.18)	

CONDITIONAL USES

Public or Private Schools (401.6)
Outdoor (Drive-In) Theaters (401.30)
Hospitals (401.21)

**TABLE 307
B - BUSINESS DISTRICT
LOT, YARD, AND HEIGHT REQUIREMENTS**

	All Uses
Minimum Lot Area*	10,000 Square Feet, 1 Acre with On-Lot Sewage
Minimum Lot Width	100 Feet
Minimum Front Yard Setback ⁽¹⁾	20 Feet**
Minimum Side Yard Setback ⁽¹⁾	None is required for nonresidential
Minimum Rear Yard Setback ⁽¹⁾	20 Feet
Maximum Height	60 Feet
Maximum Lot Coverage	75%

All residential uses shall comply with the lot, yard, and height requirements of the "R2" District.

⁽¹⁾**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

* All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO) indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses with municipal sewage must be approved by the municipal authority and the applicant must provide evidence of that approval before the zoning application can be considered.

**To be increased to 40 feet on all State and Federally designated traffic routes.

*** If abutting an "R" District, a 20-foot side yard is required.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or wetland a department of the Army permit is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Section 308 Industrial I District: (See Sections 401.19 & 514.)

I - INDUSTRIAL DISTRICT	
PERMITTED USES	
Camp/Recreational Cabin	Power Generation
Club, Lodge, Fraternity, or Sorority house	Rental Service and Equipment
Communication Antenna (401.7)	Self Storage Units
Forestry	Single-Family Dwellings
Home Occupations (401.20)	Two-Family Dwellings (Duplex)
Light Manufacturing	Multiple-Family Dwellings*
Limited Retail	Warehouses
No Impact Home-Based Occupations	Wholesale Business
Offices	

SPECIAL EXCEPTIONS	
Adult Establishment/Entertainment (401.49)	Heavy Manufacturing (401.19)
Communications Towers (401.7)	Industrial / Commercial Sandblasting & Painting Services (401.52)
Contractor Yard / Oil Field Services Yard (401.53)	Junk Yards (401.24)
Dog Park (401.51)	Trash Transfer Stations (401.43)
Ethanol Production for Fuel (515)	Utility Substations (401.46)
Fire Stations (401.15)	

TABLE 308	
I - INDUSTRIAL DISTRICT	
LOT, YARD, AND HEIGHT REGULATIONS	
	All Uses
Minimum Lot Area*	1 Acre minimum lot area for on-lot sewage. There shall be no minimum lot area or width for nonresidential uses served by municipal systems.
Minimum Lot Width	100 Feet
Minimum Front Yard Setback** ⁽¹⁾	30 Feet
Minimum Side Yard Setback ⁽¹⁾	15 Feet
Minimum Rear Yard Setback ⁽¹⁾	30 Feet
Maximum Height	40 Feet
Maximum Lot Coverage	40%

(1)**SETBACK** - The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

* All applicants for zoning permits for new structures in this District must present a permit from the municipal Sewage Enforcement Officer (SEO), indicating that the site and the plans and specifications of such a system complies with the provisions of the Pennsylvania Sewage Facilities Act, providing said permits are required by said ACT for the proposed structure. All uses of municipal sewage must be approved by the municipal authority, and the applicant must provide evidence of that approval before the zoning application can be considered.

**To be increased to 40 feet on all State or Federally designated traffic routes.

Wetlands/Swamps – No wetland or swamp area may be drained or filled in for development without a Department of the Army permit from the U. S. Corps of Engineers. A permit is also required from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, for any activity in a wetland as stipulated by the Pennsylvania Dam Safety and Encroachment Act.

Any time fill is placed in the waters of the U.S. or a wetland, a permit from the Department of the Army is required as per Section 404 of the Clean Waters Act. Areas that will be disturbed temporarily require a Nationwide Permit, and the pre-construction bottom contour must be in place upon completion of the construction. Excess material must be removed from the site and deposited on an upland location.

A Department of the Army permit and any applicable permits must be presented when the development of a wetland is proposed.

Residential structures currently in the Industrial District may be repaired or rebuilt as necessary.

Section 309 Industrial and Business Park “IBP” District:

IBP - INDUSTRIAL BUSINESS PARK DISTRICT	
PERMITTED USES	CONDITIONAL USES
Forestry	Industrial Parks (401.23)

Section 310 Planned Development “PD” District:

310.1 Statement of Intent

These districts are intended to enable the unified development of a substantial land area, suggested to be of at least 25 acres, and with such combination of structures and use as shall be appropriate to an integrated plan for the area.

310.2 Permitted Structures and Uses

310.2.1 Procedure – The County Commissioners shall consider an area for transfer to a Planned Development District upon the presentation of a petition and a detailed development plan for the area which has been approved by the County Planning Commission following Section 310.4 of this article.

310.2.2 Structures and Uses – In an area transferred to a Planned Development District, there shall be permitted any structures or uses which are designated upon the development plan as it is accepted and modified by the County Commissioners when the area is transferred.

310.3 District Regulations In a Planned Development District, the lots and structures shall strictly conform to all the dimensions, locations, and regulations designated upon the development plan as accepted and modified by the County Commissioners in transferring an area to the District.

310.4 Development Plan

310.4.1 Planning Commission Approval – The County Planning Commission may approve the detailed plan for an area proposed to be transferred to a Planned Development District upon findings that the plan, considering the structures, uses, regulations, and layout fixed in it comprises:

310.4.1.1 An area of at least 25 acres (or if smaller than the suggested 25 acres) of sufficient acreage to constitute a large planning unit having special attributes for integrated development;

310.4.1.2 An appropriate development of the area from the viewpoints of its natural features, location, and suitability for particular uses;

310.4.1.3 A combination of structures and uses that are in reasonable association and proportion to make a harmonious unit and are likely to continue to be compatible with one another;

310.4.1.4 A project adequately serviced by the necessary public services, existing or proposed;

310.4.1.5 A project consistent with the appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas; and

310.4.1.6 Consistent with the general intent of the Comprehensive Plan, for that portion of Warren County.

310.4.2 Regulations – In approving a detailed development plan, the County Planning Commission may impose such regulations of yards, open spaces, lot coverage, density, and height as are reasonably required to permit the foregoing findings, but in the following particulars, the minimum regulations shall be:

310.4.2.1 Maximum Residential Density – For residential uses, the maximum density shall not be greater than that permitted in the class of Residential “R-1” and “R-2” Districts into which the County Planning Commission determines the particular use would fall according to its character, extent, and location.

310.4.2.2 Percentage of Area Coverage – All structures, including accessory structures, shall not cover more than 30% of the project area.

310.4.2.3 The minimum setback requirements in the planned development district will be equal to the “R1” District.

310.4.2.4 All interior roads shall be built to the specifications listed in the Warren County Subdivision Ordinance.

310.4.3 Procedure – The County Planning Commission shall establish procedures for applying for approval of a detailed development plan under this Article. Procedures for approval of an application filed under this Article shall comply with the provisions of the Pennsylvania Municipalities Planning Code (Act 247) governing planned developments.

Section 311 Byway Overlay District:

311.1 Title. This article shall be known as the Byway Overlay District.

311.2 Purpose. The purpose of this district is to accommodate the “Byway” designation along select corridors by prohibiting certain advertising devices along designated routes following the parameters outlined in state and federal law, and to enable state or federal funding to be obtained to preserve the natural beauty of these routes and to promote the public welfare.

311.3 Application: The Byway Overlay District “BW” covers the state routes of:

311.3.1 State Route 59 from the intersection of Route 6 to the County Line.

311.3.2 Additional state routes may be added. The Warren County Zoning Map would then be amended to include such additional routes. The “Byway” designation procedures will follow the same procedures as a rezoning request.

311.4 Definitions. As used in this article, the following words shall have the meaning ascribed:

311.4.1 Erect means to construct, build, assemble, place, affix, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign structure.

311.4.2 Municipality or Municipal shall mean Warren County and its Board of Commissioners or designated representatives.

311.4.3 Outdoor advertising device shall mean any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

311.4.4 Owner shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the county.

311.4.5 Person shall include any individual, association, a public or private corporation for profit or not-for-profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership, or firm and the officers of any legal agency or public or private corporation.

311.4.6 Responsible Persons means all persons in possession or control of real estate by reason of a lease, contract, or other legal right or claim, and all persons performing work for the owner or person responsible.

311.5 Prohibition. No outdoor advertising device, as defined, may be erected by any owner, person responsible, or other person:

311.5.1 Within 660 feet from the nearest edge of the right-of-way of a designated byway;

311.5.2 More than 660 feet from the nearest edge of the right-of-way, if the sign is visible from the main-traveled way of a designated byway and the purpose of the sign is that its message is read from the main-traveled way of a designated byway, except as follows:

311.5.2.1 The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to the control of outdoor advertising);

311.5.2.2 Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

311.5.2.3 Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices that display a message that may be changed at reasonable intervals by an electronic process or remote control; and

311.5.2.4 Directional signs, including, but not limited to, signs about natural wonders, scenic and historical attractions, and other points of interest to the traveling public, which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

311.6 Existing Devices – All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

311.7 Landowner Responsibility – For purposes of this Ordinance, the person or persons holding legal title to the property on which a person is maintaining a condition of premises in violation of this Ordinance shall be subject to the remedies, penalties, and liability imposed by enforcement of the Ordinance.

311.8 Notice of Violation – Whenever a condition constituting a violation of this Ordinance is found to exist, the Municipality or its designated representative shall cause written notice to be served upon the owner(s) of the subject premises, as well as other persons responsible for the outdoor advertising device. Service of this notice may be made by personal delivery to the owners and other persons responsible, or by mailing the notice to their last known address by certified mail. The notice shall identify the subject property and the owner(s), or other persons responsible, describe the conditions of the property which constitute the violation, set forth the applicable section(s) of the Ordinance, and set forth a reasonable time to correct or remedy the violation.

311.9 Remedies for Violations – Violation of this Ordinance may result in any one or more of the following actions:

311.9.1 The Municipality may order the removal of outdoor advertising devices installed or constructed in violation of the provisions of this Ordinance;

311.9.2 The Municipality may institute proceedings before the District Justice or in a court of law to recover penalties and costs as provided in this Ordinance;

311.9.3 The Municipality may institute an action in equity or at law to abate the violation and obtain such other relief as is appropriate.

The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Municipality.

311.10 Penalty – Any person who violates or permits the violation of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine in an amount not to exceed \$100 for each violation, together with all court costs including reasonable attorney’s fees, incurred by the Municipality. Each day a violation shall continue shall constitute a separate violation except for periods of time allowed by the Municipality for correction or elimination of the violation. No judgment shall be imposed until the date of the determination of a violation by the court.

311.11 State Byway Program – If the roadway is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions outlined in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in the revocation of the Byway designation.

311.12 Repealer – All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

311.13 Severability – The provisions of this Ordinance shall be severable, and if any provision hereof shall be held to be unconstitutional, invalid, or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included herein.

Section 312 Airport Overlay District

312.1: Purpose

312.2: Relation to Other Zone Districts

312.3: Definitions

312.4: Establishment of Airport Zones and Height Limitations

312.5: Permit Applications

312.6: Variance

312.7: Use Restrictions

312.8: Pre-existing Non-conforming Uses

312.9: Obstruction Marking and Lighting

312.10: Violations and Penalties

312.11: Appeals

312.12: Conflicting Regulations Section 13: Severability

312.1 Purpose. The purpose of this ordinance is to create an airport district overlay that considers safety issues around the *Airport*, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishes the boundaries thereof, and provides for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

312.2 Relation to Other Zone Districts. The Airport Overlay District shall not modify the boundaries of any underlying zoning district where identified; the Airport Overlay District shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

312.3 Definitions. The following words and phrases, when used in this ordinance, shall have the meaning given to them in this section unless the context indicates otherwise.

312.3.1 Airport Elevation: The highest point of an airport's useable landing area measured in feet above sea level. The elevation of Corry-Lawrence Airport is 1766 ft. above sea level.

312.3.2 Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or take off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat §5102.

312.3.3 Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

312.3.4 Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown in Figure 1, is derived from the approach surface.

312.3.5 Conical Surface (Zone): An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown in Figure 1, is based on the conical surface.

312.3.6 Department: Pennsylvania Department of Transportation.

312.3.7 FAA: Federal Aviation Administration of the United States Department of Transportation.

312.3.8 Height: For the purpose of determining the height limits in all zones outlined in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

312.3.9 Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown in Figure 1, is derived from the horizontal surface.

312.3.10 Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

312.3.11 Nonconforming Use: Any pre-existing structure, an object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

312.3.12 Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

312.3.13 Obstruction: Any structure, growth, or other objects, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

312.3.14 Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) Or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

312.3.15 Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown in Figure 1, is derived from the primary surface.

312.3.16 Runway: A defined area of an airport prepared for the landing and takeoff of aircraft along its length.

312.3.17 Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

312.3.18 Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7: 1). The transitional surface zone, as shown in Figure 1, is derived from the transitional surface.

312.3.19 Tree: Any object of natural growth.

312.3.20 Utility Runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

312.3.21 Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

312.4 Establishment of Airport Zones: There are hereby created and established certain zones within the Airport District Overlay ordinance, defined in Section 312.3 and depicted in Figure I and illustrated on the *Airport Hazard Area Map*, hereby adopted as part of this ordinance, which includes:

1. **Approach Surface Zone**
2. **Conical Surface Zone**
3. **Horizontal Surface Zone**
4. **Primary Surface Zone**
5. **Transitional Surface Zone**

312.5 Permit Applications. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, *shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days before commencement thereof.* The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Overlay Ordinance. If the Department's BOA returns a determination of penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 6.

No permit is required to make maintenance repairs to or to replace parts of existing structures that do not enlarge or increase the height of an existing structure.

312.6 Variance. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. **No Objection** - The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate the potential hazard. Under this determination, a variance shall be granted.
2. **Conditional Determination** - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area, which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon the implementation of mitigating measures as described in Section 9-Obstruction Marking and Lighting.
3. **Objectionable** - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied, and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this ordinance.

312.7 Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport Overlay District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the *Airport*.

312.8 Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning ordinance) may only be reestablished consistent with the provisions herein.

312.9 Obstruction Marking and Lighting. Any permit or variance granted according to the provisions of this ordinance may be conditioned according to the process described in Section 6 to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

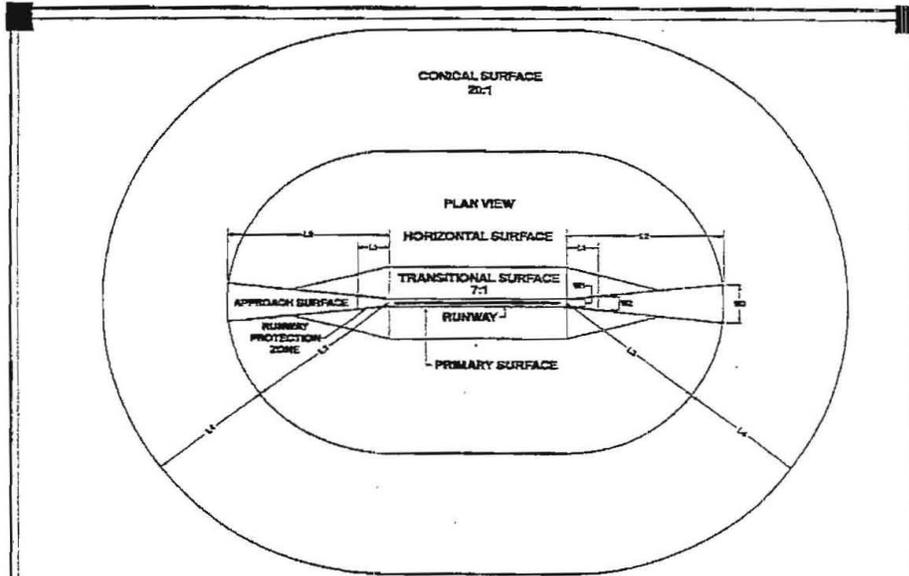
312.10 Violations and Penalties. *Subject to that in the underlying Zoning Ordinance.*

312.11 Appeals. *Subject to the process in the underlying Zoning Ordinance.*

312.12 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

312.13 Severability. If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Figure 1: Part 77 Surface Areas



FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS

Runway Type	Runway End Approach		Conical Surface (L1)	Horizontal Surface (L2)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Other				Length (L2)	Inner Width (W1)	Outer Width (W2)			
Small Airplanes ¹	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	500	1,250	20:1	500	7:1
		NP 3A	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	P	P	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP 3A	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes ²	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP 3A	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	P	P	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
		NP	4,000	10,000	10,000	500	3,500	34:1	500	7:1
		NP 3A	4,000	10,000	10,000	1,000	3,500	34:1	1,000	7:1
Large and Small Airplanes ³	V	V	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
		NP 3A	4,000	10,000	10,000	1,000	4,000	34:1	1,000	7:1
	P	P	4,000	10,000	10,000	1,000	4,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1
		NP 3A	4,000	10,000	10,000/40,000	1,000	4,000/16,000	50:1/40:1	1,000	7:1

1 - In Feet
 2 - Less than 12,500 lbs maximum certified takeoff weight
 3 - Greater than 12,500 lbs maximum certified takeoff weight
 V = Visual approach 20:1
 NP = Nonprecision approach 34:1
 NP 3A = Nonprecision approach with visibility minimums as low as 3A1 statute miles 34:1
 P = Precision approach 80:1
 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums
 Source: Federal Aviation Administration



Pennsylvania Land Use Compatibility Guidelines

FAR PART 77 SURFACES AND DIMENSION REQUIREMENTS

Exhibit 3

ARTICLE IV
CONDITIONAL USES, SPECIAL EXCEPTIONS, AND OTHER CONDITIONS

Section 401 Conditional Uses, Special Exceptions, and Other Conditions:

The criteria for Conditional Uses and Special Exceptions follow. The Board of County Commissioners or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Board of Commissioners or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Also included in Section 401 are other conditions. These entail additional criteria permitted uses must meet before the Zoning Officer can issue a permit. All uses shall meet the requirements of Section 506 as applicable. All applications will contain a stormwater plan that shows how water will be controlled and not have an adverse effect on neighboring properties. The Zoning Officer must interpret these criteria in their literal terms and does not have the authority to modify or waive same, nor can the Zoning Officer impose any conditions in granting a permit.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Board of County Commissioners after the recommendation of the Warren County Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance (see Section 402) and the Planning Code.

All new uses, where permitted, shall be subject to and comply with the following express standards and criteria as appropriate for each use. All uses existing at the effective date of this Ordinance, where it is not possible to meet the new criteria, such as setbacks on existing buildings, that one criterion may be grandfathered, but the use shall conform as much as possible to all other criteria. In the event that any use voluntarily ceases, for whatever reason, for a period of one (1) year, such use shall not be resumed until approval is granted by the Zoning Hearing Board and the use is in conformity with the provisions of this ordinance.

401.1 Airports: All classes of airports shall be allowed as a conditional use in the ACR/B/I Districts. (See Airport Overlay District, Section 312)

401.2 Automotive Repair/Truck Repair is subject to the following express standards and criteria:

401.2.1 All repair and servicing shall be conducted within an enclosed building.

401.2.2 All repair and servicing shops shall be located a minimum of three hundred (300) feet from all residential dwellings other than those on the applicant's lot.

401.2.3 Customer vehicles awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence which is at least six (6) feet in height (eight feet for large truck repair) so they will not be visible from adjacent properties or streets.

401.2.4 There shall be no storage of materials or equipment outside an enclosed building.

401.2.5 Organic waste and/or rubbish shall be stored in covered containers. All discarded automobile parts shall be stored either inside a building or shall be screened from view behind an opaque fence or hedge which is at least six (6) feet in height until they are properly disposed of in accordance with Federal, State, and Local laws.

401.2.6 Adequate off-street parking shall be provided in accordance with Section 507 of this ordinance.

401.2.7 The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

401.2.8 Abandoned vehicles, as defined by this Ordinance, shall be the property owner's responsibility and dealt with accordingly.

401.3 Bed and Breakfast: Such uses are intended to provide overnight or short-term, not more than two (2) weeks. accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

401.3.1 All signs shall conform to this Ordinance.

401.3.2 No more than five (5) guest rooms will be permitted.

401.3.3 One (1) off-street parking space for each guest room shall be required. Parking shall be on-lot or may be provided within five hundred (500) feet of the facility. Parking will be in accordance with Section 507 of this ordinance.

401.3.4 The only meal served shall be breakfast, and that shall only be provided to guests.

401.3.5 The facility shall comply with State law regarding such facilities.

401.3.6 The bed and breakfast shall be owner-occupied.

401.4 Business Establishments directly connected with recreational and agricultural activities, subject to the following express standards and criteria:

401.4.1 The business use shall be limited to products or services that are supplied to an authorized agricultural or recreational use in the district.

401.4.2 The business use may be accessory to an existing agricultural or recreational use or a principal use on other property owned by a different owner, which is located within one thousand (1,000) feet of the agricultural or recreational use to which it is related.

401.4.3 The use shall comply with the provisions of Section 401.34, if applicable.

401.4.4 Off-street parking shall be provided in accordance with the requirements of Section 507 of this ordinance.

401.4.5 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.

401.4.6 The use shall comply with the minimum area and yard requirements of the “ACR” District.

401.5 Cemeteries, subject to all state and municipal requirements and the following standards and criteria:

401.5.1 A minimum size of five (5) acres shall be required.

401.5.2 A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics. The plot cannot be within 100 ft of a well.

401.5.3 Ingress, egress, and internal circulation shall be designed to ensure safety and minimize the impact on local roads. Plans for ingress/egress shall be referred to local (PennDOT and Municipal) officials for comments regarding public safety.

401.5.4 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

401.5.5 Family Plots shall meet all the requirements listed above (except 401.5.1) plus:

401.5.5.1 The location of the family cemetery shall be listed in the deed, along with an easement fifteen (15) feet wide for ingress and egress.

401.5.5.2 Survey language and location map must be added to the deed within ninety days (90) of approval from the Zoning Hearing Board.

401.5.5.3 A sign not to exceed sixteen (16) square feet may be erected and must meet all other requirements for the placement of signs for the zoning district.

401.5.5.4 The family plot must be enclosed by a fence or surrounded by a hedge at least 4 ft high.

401.6 Churches, Libraries, Colleges, Secondary or Primary Schools, Parks, and Playgrounds, subject to the following express standards and criteria:

401.6.1 All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth measured from the property line.

401.6.2 Facilities shall demonstrate that they have the needed license or appropriate accreditation to operate the proposed facility.

401.6.3 No storage of equipment or material shall be permitted outside a structure.

401.6.4 All lights shall be shielded and reflected away from adjoining property.

401.6.5 Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

401.6.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.7 Communication Towers/Antennas: Communication towers and antennas, along with ancillary equipment, will be allowed as a permitted use or special exception, subject to the following regulations:

401.7.1 Antennas mounted on an existing public utility tower, existing building, or other existing structure shall be treated as a permitted use subject to the conditions of Section 2 below. Separate new stand-alone towers constructed shall be treated as Special Exceptions and referred to the Zoning Hearing Board for review and approval under Section 3.

401.7.2 Regulations Governing Communications Antennas and Communications Equipment Buildings:

401.7.2.1 Omni-directional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

401.7.2.2 Directional or panel communications antennas shall not exceed seven (7) feet in height and four (4) feet in width.

401.7.2.3 A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

401.7.2.4 Building-mounted communication antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.

401.7.2.5 The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

401.7.2.6 Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with antenna location.

401.7.2.7 Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the Pennsylvania Uniform Construction Code and the International Building Code and any other applicable laws.

401.7.2.8 Any applicant proposing communications antennas mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

401.7.2.9 Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

401.7.2.10 Communications antennas shall not cause radio frequency interference with other communication facilities located in Warren County.

401.7.2.11 Communications equipment buildings shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

401.7.2.12 The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate antennas.

401.7.2.13 If a communications antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications antenna within six (6) months of the expiration of such twelve (12) month period.

401.7.2.14 Building-mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

401.7.3 Standards for Communications Towers as Special Exceptions:

401.7.3.1 The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

401.7.3.2 The applicant shall demonstrate that the proposed communication tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

401.7.3.3 Any applicant proposing the construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site is contacted and that one or more of the following reasons for not selecting such structure apply:

401.7.3.3.1 The proposed antennas and related equipment would exceed the structural capacity of the existing structure, and their reinforcement cannot be accomplished at a reasonable cost.

401.7.3.3.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure, and the interference cannot be prevented at a reasonable cost.

401.7.3.3.3 Such existing structures do not have an adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

401.7.3.3.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

401.7.3.3.5 A commercially reasonable agreement could not be reached with the owners of such structures.

401.7.3.4 Access shall be provided to the communications tower and communications equipment building utilizing a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with dust-free, all-weather surfaces for its entire length.

401.7.3.5 A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.

401.7.3.6 The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

401.7.3.7 The foundation and base of any communications tower shall be set back from any Residential District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

401.7.3.8 The base of a communications tower shall be landscaped to screen the foundation and base and communications equipment building from abutting properties.

401.7.3.9 The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for any accessory structure.

401.7.3.10 The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.

401.7.3.11 All guy wires associated with guyed communications towers shall be clearly marked to be visible at all times and shall be located within a fenced enclosure.

401.7.3.12 The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.

401.7.3.13 No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, or any other governmental agency that has jurisdiction.

401.7.3.14 If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

401.7.3.15 Off-street parking spaces shall be provided.

401.7.3.16 All other types of towers shall be a Special Exception and shall comply with Section 401.7.3.4 through 401.7.3.15 (excluding 401.7.3.10).

401.8 Convenience Store: subject to the following express standards and criteria:

401.8.1 Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.

401.8.2 No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].

401.8.3 Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least six (6) feet wide.

401.8.4 Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjoining on each side and twenty (20) feet from each side lot line.

401.8.5 Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.

401.8.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.9 Day Care Facilities, All Types: The purpose of this section is to set forth standards for the three types of daycare covered by this Ordinance (see the Definition section also).

401.9.1 Family Day Care Homes: (4-6 Children)

401.9.1.1 Such operations must obtain any permits/certificates required by the State.

401.9.1.2 Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).

401.9.1.3 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.9.2 Group Day Care Homes: (more than 6, less than 12 Children)

401.9.2.1 Such operations must obtain any permits/certificates required by the State.

401.9.2.2 Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).

401.9.2.3 Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.

401.9.2.4 At least one (1) additional parking place shall be required.

401.9.2.5 The operator shall demonstrate how children shall be dropped off and picked up, considering their safety and the safety of other pedestrian and vehicular traffic in the area. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.9.3 Child Day Care Centers: (7+, not in a residence)

401.9.3.1 Any outdoor play area shall be effectively screened from abutting properties.

401.9.3.2 For all new construction, and where feasible for existing structures, driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how the pickup and delivery shall occur safely.

401.9.3.3 One (1) parking space for each employee shall be required in addition to the requirements of Section 507.

401.9.3.4 Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

401.9.4 Adult Day Care Centers:

401.9.4.1 For all new construction, and where feasible for existing structures, driveways shall be provided to deliver and pick up people off public streets. These facilities are intended for the safety of the people and the protection of the neighborhood. In any event, the developer shall demonstrate how the pickup and delivery shall occur safely.

401.9.4.2 One (1) parking space for each employee shall be required in addition to the requirements of Section 507.

401.9.4.3 Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

401.10 Dog Kennels and/or Veterinary Establishments, subject to the following express standards and criteria:

401.10.1 Dog kennels, other than those accessory to veterinary establishments, shall have a lot size of two (2) acres or more.

401.10.2 The minimum lot area for veterinary establishments shall be twenty thousand (20,000) square feet.

401.10.3 Each veterinary establishment shall have at least one off-street loading and unloading space.

401.10.3 Dog kennels shall be located at least one hundred (100) feet from any property line adjoining residential uses or zoning classifications and at least fifty (50) feet from any other property line.

401.10.4 Dog kennels shall be completely contained within an enclosed building and shall be soundproofed, if necessary, to reduce noise impacts on adjacent properties.

401.10.5 Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate, and shall be screened by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth.

401.10.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.11 Drive-In/Through Restaurants: These uses are characterized by high volumes of use and late-night operations. Criteria for such uses are as follows:

401.11.1 A site plan will be required.

401.11.2 All property lines adjoining a residential use or classification shall have a buffer yard of ten (10) feet as measured from the property line.

401.11.3 Entrance and exit driveways shall be clearly marked and conform to the requirements of Section 507 of this Ordinance.

401.11.4 Parking spaces and stacking spaces shall conform to Section 507 of this Ordinance.

401.11.5 The alignment of driveways for order and pickup purposes shall be so arranged or screened to avoid headlight glare on adjacent residential uses or districts.

401.11.6 Auto/pedestrian circulation shall be designed to allow adequate sight distance between patron entrances/exits and drive-through lanes.

401.12 Farm Equipment Sales and Service: Will be subject to the following conditions:

401.12.1 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

401.12.2 All repair services shall take place in an enclosed building.

401.12.3 New and used equipment for sale may be stored in the front yard but shall be kept at least twenty-five (25) feet from the front property line and twenty (20) feet from the side property line.

401.12.4 Junked or scrapped equipment shall not be stored outside an enclosed building.

401.12.5 Outdoor lighting shall be directed away from adjoining properties and no light fixture shall be within twenty (20) feet of any lot line.

401.12.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.13 Farm Occupations

401.13.1 Within the ACR Zoning District, farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property. Moreover, a farm occupation may only be conducted on farms containing at least ten acres. All farm occupations are subject to the following criteria:

401.13.2 For the purposes of this Ordinance, farm occupations may involve the following uses:

401.13.2.1 Retail sales of agricultural products produced on the farm.

401.13.2.2 Facilities for the service and repair of farm machinery and equipment.

401.13.2.3 Facilities contributing to the agrarian lifestyle characteristic of the residents of Warren County. Such facilities include:

401.13.2.3.1 Arts and crafts manufactured on site.

401.13.2.3.2 Blacksmith and tool sharpening shops;

401.13.2.3.3 Carriage, buggy, wagon, and related appurtenances manufacturing, sales, and service;

401.13.2.3.4 Carpenters;

401.13.2.3.5 Woodworking, furniture, and cabinet-making shops;

401.13.2.3.6 Metalworking shops;

401.13.2.3.7 Country housewares, hardware, and dry goods stores with a retail display area not exceeding one thousand (1,000) square feet; and,

401.13.2.3.8 Butcher shops;

401.13.2.3.9 Tailor and shoe shops; and,

401.13.2.3.10 Bake shops.

401.13.3 No more than two (2) acres of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm occupation and home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm occupation;

401.13.4 At least one owner of the farm occupation must live on the property on which the farm occupation is conducted;

401.13.5 Buildings used for conducting farm occupations shall be located a minimum of three hundred (300) feet from all residential dwellings other than those on the applicant's lot.

401.13.6 All farm occupations shall be conducted upon the same lot as an actively farmed parcel.

401.13.7 Any out-building used for such farm occupation shall meet the setback requirements of the principal structure.

401.13.8 Any outdoor storage of supplies, materials, or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties;

401.13.9 All activities shall comply with the performance standards of Section 506.

401.13.10 All off-street parking and loading areas shall be contained behind the principal farm residence and shall comply with Section 507;

401.13.11 The Zoning Hearing Board may attach additional reasonable conditions upon a farm occupation to preserve the agricultural character of the area, and protect adjoining uses;

401.13.12 Any sign used for a farm occupation shall not exceed thirty-two (32) square feet in total area;

401.13.13 No manufactured home shall be used for a farm occupation; and,

401.13.14 The applicant shall submit written evidence from the SEO that the proposed use has an approved means of sewage disposal.

401.14 Feed Mills, Feed Storage and Distribution, (Agricultural Services) subject to the following express standards and criteria:

401.14.1 The use shall be subject to the Performance Standards of Section 506 of this Ordinance.

401.14.2 All structures used for feed storage and distribution shall be located at least two hundred (200) feet from an existing residence on adjacent property.

401.14.3 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

401.14.4 All machinery, equipment, and vehicles shall be stored within a completely enclosed building or in the rear yard of the operation.

401.14.5 On-site sales shall be permitted, provided that all sales are conducted within an enclosed building and off-street parking is provided based on the ratio of one (1) parking space for each three hundred (300) square feet of floor area devoted to sales.

401.14.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.15 Fire Stations: subject to the following express standards and criteria:

401.15.1 All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth measured from the property line.

401.15.2 All lights shall be shielded and reflected away from adjoining property.

401.15.3 The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.

401.15.4 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public streets.

401.16 Funeral Homes: Funeral homes shall meet the following criteria:

401.16.1 The lot size shall not be less than ten thousand (10,000) square feet.

401.16.2 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.16.3 The driveway system shall be arranged so the hearse and funeral cortege formation will be taken on the lot and not on a public street.

401.17 Gasoline Service Stations and Commercial Garages, subject to the following express standards and criteria:

401.17.1 Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

401.17.2 Gasoline pumps shall be located no closer than thirty (30) feet to any property line.

401.17.3 No building, stand, oil rack, or other apparatus, other than that which is necessary for quick service to an automobile, shall be located within thirty (30) feet of any street line.

401.17.4 Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or street right-of-way line.

401.17.5 There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.

401.17.6 In addition to parking spaces required by Section 507 of this Ordinance, adequate vehicle maneuvering areas shall be provided outside the building which shall have an all-weather surface.

401.17.7 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.

401.18 Golf Courses and Driving Ranges, subject to the following express standards and criteria:

401.18.1 Golf courses shall have a minimum size of ten (10) acres; all other facilities shall have a minimum size of two (2) acres.

401.18.2 Clubhouses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from all other property lines.

401.18.3 Clubhouses that are located within three hundred (300) feet of residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance, which is at least six (6) feet in depth measured from the property line.

401.18.4 Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for the primary use. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.18.5 Operation shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.

401.18.6 No outdoor speakers shall be permitted if the property adjoins residential use. The volume of all other permitted outdoor speakers shall be modulated and controlled so as not create a nuisance for adjacent properties.

401.19 Heavy Manufacturing: Heavy Manufacturing shall meet the following performance standards:

401.19.1 All needed permits from Federal and State environmental agencies shall be identified and presented.

401.19.2 Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level outlined in this table may be increased by six (6) decibels.

Octave Frequency (Cycles per second)	Decibel Limits along Residential District Boundaries	Decibel Limits Along Businesses or Commercial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

401.19.3 Vibration: No vibration shall be generated which can be detected by a normal person at the property boundary.

401.19.4 Glare: Lighting or such activities as welding shall be shielded from any residential use or district.

401.19.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.20 Home Occupations: Home occupations are incidental and subordinate to the principal use or building and located on the same lot with such principal use or building and subject to the following express standards and criteria:

401.20.1 There shall be no exterior evidence of the use other than the home occupation identification sign authorized by Section 509 of this Ordinance.

401.20.2 Physicians and dentists may employ no more than two (2) non-resident assistants. For all other home occupations, no one outside the immediate household may be employed.

401.20.3 A home occupation may be conducted in either a principal or an accessory structure, but in either case, shall not occupy a floor area greater than fifty percent (50%) of the total area of the first floor of the principal structure.

401.20.4 The use shall not create any additional environmental impact than those impacts normally resulting from residential use.

401.20.5 The use shall not cause an increase in the use of water, sewerage, garbage, public safety, or any other municipal services beyond that which is normal for the residences in the neighborhood.

401.20.6 The use shall not require internal or external alterations or construction features that are not customary to a dwelling.

401.20.7 The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

401.20.8 There shall be no storage of materials or equipment outside an enclosed building and no goods shall be publicly displayed on the premises.

401.20.9 No mechanical equipment shall be used other than normal domestic or household equipment.

401.20.10 There shall not be permitted the storage of a stock in trade or the sale of commodities on the premises other than those items made on the premises.

401.20.11 The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.

401.20.12 Adequate parking for the home occupation shall be provided on the lot. Medical and dental offices shall provide the parking spaces required by Section 507 of this Ordinance for such offices.

401.20.13 Home occupations or professional offices which may create objectionable noise, fumes, odor, dust, or electrical interference shall be prohibited.

401.20.14 The following uses shall not be considered to be home occupations and shall be limited to the zoning districts in which they are specifically authorized as permitted uses or uses by special exception:

- Kennels, veterinary offices, or clinics*
- Beauty shops and barber shops containing more than one (1) chair
- Funeral homes
- Private instruction to more than five (5) students at a time
- Stables or riding academies
- Automotive, light truck, and small engine repair
- Auto body repair and paint shops
- Manufacturing and industrial uses

*However, small dog grooming establishments will be allowed as long as no more than two (2) dogs are on the premises at any one time.

401.21 Hospital and Nursing Homes, subject to the following express standards and criteria:

401.21.1 The facility shall be licensed by the Commonwealth.

401.21.2 The minimum size for a nursing home shall be one (1) acre; the minimum size for a hospital shall be five (5) acres.

401.21.3 The site shall be serviced by public water and sewer.

401.21.4 Water volume and pressure shall be adequate for fire protection.

401.21.5 Ingress, egress, and internal circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impacts on local roads. The parking and circulation plan shall be submitted to the local police and fire department for comments regarding traffic safety and emergency access.

401.21.6 Outdoor lighting shall be shielded away from adjacent properties.

401.21.7 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.

401.21.8 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.22 Hotels, Motels, and Resort Developments are subject to the following express standards and criteria:

401.22.1 The minimum site for resort developments shall be five (5) acres.

401.22.2 All property lines adjoining a residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least fifteen (15) feet in depth measured from the property line.

401.22.3 Ingress, egress, and internal circulation shall be designed to ensure safety and access by emergency vehicles and to accommodate peak traffic without hazard or delay.

401.22.4 Off-street parking shall be provided in accordance with Section 507 of this Ordinance.

401.22.5 Developments that include golf courses or other recreation facilities shall comply with the provisions of Section 401.18 of this Ordinance.

401.23 Industrial and Business Park District:

401.23.1 The Industrial and Business Park District is created as an area to be devoted to industrial and non-retail business activity or business. The district encourages the use of industrial park development. Such development treats a large expanse of land as an industrial subdivision by planning, constructing, servicing, and maintaining it in a manner that will make resourceful use of the land, increase the compatibility and attractiveness of these uses to each other, and protect the county's advantage in attracting industry.

401.23.2 The intent and purposes of Warren County in creating this district are as follows:

401.23.2.1 To encourage the establishment of industries that are compatible with one another.

401.23.2.2 To establish standards for the height and size of buildings, the areas and dimensions of yards, and open space.

401.23.2.3 To provide development and operational standards for yards, structures, and equipment that will minimize traffic congestion, noise, glare, air pollution, fire, and safety hazards and ensure adequate drainage.

401.23.2.4 To provide standards for off-street automobile parking, and storage and loading facilities adequate in area, design, arrangement, and development to properly serve the uses for which such facilities are intended and sufficient to preclude the need for on-street parking or storage of automobiles or trucks.

401.23.2.5 To provide standards for the location and illumination of signs and advertising devices to minimize glare and distraction to motorists and neighboring residential districts.

401.23.2.6 To prohibit commercial uses, except as such uses as purely accessory and incidental to the industrial uses they are intended to serve.

401.23.2.7 To prohibit industrial uses which because of potential emission of dust, ash smoke, noise, fumes, gas, odors or vibrations are or may be inconsistent with the intent and purpose of this section.

401.23.2.8 To establish standards for environmental development including landscaping and requirement of open areas that will tend to result in healthful and productive working conditions.

401.23.2.9 Residences or any structures intended for living purposes are prohibited in this district.

401.23.3 Permitted Uses and Accessory Uses: Only those industrial, manufacturing, compounding, processing, packaging, or treatment uses and processes from the following listing are permitted when and if they do not represent a health or safety hazard to the community through the air, water, and noise pollution, including the production or emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or similar substances and conditions:

401.23.3.1 Principal Uses:

401.23.3.1.1 Wholesale, warehousing, and storage

401.23.3.1.2 Highway freight, transportation, and warehousing.

401.23.3.1.3 Transportation terminals.

401.23.3.1.4 Distributing plants, beverages bottling, and/or distribution.

401.23.3.1.5 The manufacturing, compounding, process/packaging, treatment, and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food, and kindred products.

401.23.3.1.6 Laboratories devoted to research, design, experimentation, and processing and fabrication incidental thereto.

401.23.3.1.7 Utility operations (electric and gas company operations, sewer and water authorities) Radio and television facilities and operations, telephone exchange and transformer stations.

401.23.3.1.8 Carpenter, electrical, plumbing, welding, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing establishments, printing shop, or publishing plant.

401.23.3.1.9 Building material supplies, excluding stone crushing or concrete mixing.

401.23.3.1.10 Assembly, manufacturing, compounding, processing, packaging, or treatment uses or processes which do not produce or emit dust, smoke, toxic or noxious odors, gases, and fumes that are offensive to the public. Allowable discharges are ventilation air, uncontaminated water vapor, and normal products of combustion-approved heating units.

401.23.3.1.11 Office buildings

401.23.3.2 Accessory Uses: The following special uses shall be permitted in an Industrial and Business Park District providing the buildings and accessory buildings and uses comply with all requirements of other districts in which they are normally permitted.

401.23.3.2.1 Cafeterias or restaurants specifically designed and intended for use by those employees and management of permitted uses in the Industrial Park District.

401.23.3.2.2 Auditoriums, meeting rooms, or other buildings primarily intended for the mutual use of the permitted uses located within the district.

401.23.3.2.3 Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the district. These facilities, if lighted, must be shielded away from any thoroughfares and residential districts.

401.23.3.2.4 All heliports shall be licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and shall meet minimum requirements specified by the Federal Aviation Administration or other governing agency.

401.23.4 Prohibited Uses: All those uses not specifically stated as permitted uses in an Industrial and Business Park District are prohibited.

401.23.5 District Regulations

401.23.5.1 Minimum Lot Area and Lot Width

401.23.5.1.1 An Industrial and Business Park District shall be required to contain a minimum of ten (10) acres of land area.

401.23.5.1.2 All buildings or structures permitted in the Industrial and Business Park District shall be located on a lot having a minimum area of one (1) acre and a minimum frontage on a public thoroughfare of two hundred (200) feet.

401.23.5.2 Yards Required

401.23.5.2.1 Front Yards. There shall be a front yard of not less than fifty (50) feet measured from the street right-of-way line.

401.23.5.2.2 Side Yards. There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet. For lots abutting any Residential or Agriculture-Conservation-Recreation District as defined in this Zoning Ordinance, there shall be a side yard clearance for the side abutting the Residential or Agriculture-Conservation-Recreation District of not less than one hundred (100) feet.

401.23.5.2.3 Rear Yards. There shall be a rear yard of not less than fifty (50) feet. For those lots with rear lot lines abutting any Residential or Agriculture-Conservation-Recreation District, there shall be a rear yard of not less than one hundred (100) feet. The one hundred (100) feet abutting the Residential or Agriculture-Conservation-Recreation District shall be appropriately landscaped and maintained as buffer areas. Such space shall remain open and unoccupied by any principal or accessory building.

401.23.5.3 Building Height Limits: No building or structure shall exceed a height of fifty (50) feet.

401.23.5.4 Percentage of Lot Coverage: Not more than fifty percent (50%) of the total lot area shall be covered by any main and/or accessory buildings.

401.23.5.5 Off-Street Parking: Space for off-street parking of employees, customers, and visitors shall be required in the following manner and in accordance with other sections of this Zoning Ordinance governing off-street parking.

401.23.5.5.1 Parking lots located adjacent to Agriculture-Conservation-Recreation “ACR” Districts may extend into the side and rear yard setback requirements up to twelve (12) feet from the property line. Parking lots bordering Residential Districts shall be a minimum of one hundred (100) feet from the property line and must have a twelve (12) foot buffer area as described by this Zoning Ordinance.

401.23.5.5.2 All parking spaces provided in the district shall be located on the same property with the permitted use it is intended to serve and conform to the landscaping requirements described in this Ordinance.

401.23.5.5.3 Sufficient parking spaces for employees, customers, and visitors shall be provided as described by this Zoning Ordinance. Visitor-only parking shall be permitted at the front of the building providing there are at least fifteen (15) feet from the front line of the parking lot to the street right-of-way. Parking at the front of the building shall not exceed ten percent (10%) of the required spaces.

401.23.5.5.4 Space also shall be provided for the parking of freight and delivery trucks during any time in which the off-street loading facilities prescribed in the Ordinance are insufficient to handle all such trucks waiting to use said facilities.

401.23.5.6 Off-Street Loading/Unloading and Storage: Space for off-street loading/unloading and storage shall be required in the following manner and in accordance with other sections of the Ordinance governing loading requirements.

401.23.5.6.1 Off-street loading/unloading and storage space shall herein be interpreted to be an accessory use and shall conform to all requirements as to front, side, and rear yard clearances as specified in this Zoning Ordinance.

401.23.5.6.2 All loading/unloading and storage space shall be located on the same property with the permitted use it is intended to serve.

401.23.5.6.3 All open areas used for storage of any type shall be enclosed by a solid wall or fence. All such solid walls or fences shall be a minimum of six (6) feet in height and in no case shall storage of materials be permitted to exceed the height of the fence. Storage shall be limited to materials in accordance with the standards of the Pennsylvania Department of Environmental Protection, the Environmental Protection Agency, and State Fire Marshall regulations.

401.23.5.6.4 In no case shall storage spaces or loading/unloading facilities be permitted in the front of any building.

401.23.5.6.5 All loading/unloading facilities shall be located a minimum of three hundred (300) feet from any Residential District boundary if operated between the hours of 6:00 p.m. and 7:00 a.m.

401.23.5.6.6 Sufficient area shall be provided for loading/unloading and storage of motor vehicles used in the conduct of the business or industrial activity.

401.23.5.7 Signs and Lighting Requirements

401.23.5.7.1 Signs. All on-premises signage shall be in accordance with the standards outlined in Section 509, Signs, of the Warren County Zoning Ordinance.

401.23.5.7.2 Lighting Standards. Lighting, including spotlights, flood lights, and other means of illumination for a sign, structures, landscaping, parking areas, loading and unloading areas, and the like shall be focused, directed and so arranged as to prevent glare or direct illumination on streets or adjoining property lines unless required to illuminate a hazard.

401.23.5.8 Streets: All streets in any Industrial and Business Park District must be public streets and shall meet the standards specified by the Warren County Subdivision and Land Development Ordinance.

401.24 Junk Yards All junkyards existing at the effective date of this Ordinance within one year thereafter, and all new junk yards, where permitted, shall be subject to and comply with the following express standards and criteria:

401.24.1 The minimum lot size shall be ten (10) acres.

401.24.2 The premises shall be maintained to not constitute a nuisance or a menace to public health and safety.

401.24.3 No garbage or other organic waste shall be stored on the premises.

401.24.4 The manner of storage of junk shall facilitate access for fire fighting and shall prevent accumulation of stagnant water.

401.24.5 Junk yards shall comply with the Performance Standards of Section 506.

401.24.6 Hazardous materials shall be disposed of in accordance with all local, state, and federal guidelines.

401.24.7 No junk shall be stored or accumulated within one hundred (100) feet of any dwelling and no closer than twenty (20) feet to any property line or public street.

401.24.8 The premises shall be enclosed by a solid wood fence or a metal chain-link fence supported on steel posts not less than six (6) feet in height.

401.24.9 The fence shall be supplemented with screening material which creates a visual barrier that is less than fifty percent (50%) open.

401.24.10 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth measured from the property line. The required fence shall be located inside the buffer area and where a buffer area exists, supplemental screening, as required in Section 8 above, of the fence shall not be required.

401.24.11 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.25 Medical Clinic: Any new medical clinics will be subject to the following express standards and criteria:

401.25.1 Must be certified and licensed by the state.

401.25.2 The building cannot exceed 3000 sq. ft. in residential districts and cannot exceed five (5) doctors in any zoning district.

401.25.3 Must meet all the setback requirements for the district.

401.25.4 Parking Spaces = one for every 250 sq. ft. of building and six (6) for each doctor.

401.25.5 Signs shall be in accordance with Section 509.2 of this ordinance for “ACR” and residential districts and in accordance with Section 509.3 for business districts.

401.25.6 Traffic patterns shall be developed to prevent disruptions to traffic flow.

401.25.7 Lighting shall be arranged and shielded to prevent glare to adjoining properties.

401.25.8 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth measured from the property line.

401.25.9 Dumpsters and/or trash containers for businesses in all zoning districts shall be rodent-proof, have lids, and be screened from view.

401.25.10 The Zoning Hearing Board may add other conditions as appropriate to protect the existing neighborhood.

401.26 Mobile Home Parks and Campgrounds: Any new or expanded mobile home park or campground must demonstrate that they meet the requirements of the Warren County Subdivision and Land Development Ordinance.

401.27 Multiple-Family Dwellings of three (3) or more units shall be subject to the following express standards and criteria:

401.27.1 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. All parking areas shall be screened by this buffer area.

401.27.2 The site must be serviced by public water and sewer, or DEP-approved private water and sewage systems.

401.27.3 Interior streets, parking areas, driveways, and walkways shall be lighted. Lighting shall be shielded and directed away from adjacent properties and roads.

401.27.4 See also Section 507 for parking regulations.

401.28 Municipal and Public Utility Storage Yards and Repair Shops are subject to the following standards and criteria:

401.28.1 The storage of movable equipment or material shall be permitted outside a building and must be approved by the Board.

401.28.2 Uses involving utility distribution equipment that is not enclosed by a building shall be secured by a fence at least six (6) feet in height with a self-latching gate.

401.28.3 Uses involving utility distribution equipment that is not enclosed by a building shall be adequately screened by a six (6) foot compact evergreen planting area along all property lines adjacent to residential uses or zoning districts.

401.28.4 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.29 Outdoor Automobile Sales Areas, Car Washing Establishments, subject to the following express standards and criteria:

401.29.1 Car washes shall be connected to public sewer. All drainage water from car washing operations shall be contained on-site, so as to not become a nuisance or hazard to adjoining properties, berms, or roadways.

401.29.2 All repair, servicing, customer car washing, and sales shall be conducted within an enclosed building.

401.29.3 All facilities shall comply with the Performance Standards of Section 506 of this Ordinance.

401.29.4 All property lines adjoining a residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

401.29.5 Customer vehicles with external damage which are awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence so they will not be visible from adjacent properties or streets.

401.29.6 All off-street parking spaces required for customers and employees shall be reserved for parking and shall not be used for the display of merchandise.

401.29.7 Outdoor sales areas shall be covered with an impervious surface, and shall be maintained free of debris and obstructions. No article or merchandise shall be displayed closer than five (5) feet to any property line.

401.29.8 All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.

401.29.9 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.30 Outdoor Theaters, Outdoor Flea Markets, and Outdoor Commercial Amusements are subject to the following express standards and criteria:

401.30.1 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line. Facilities that host paintball games, contests, or exercises shall provide a fifty (50) foot buffer area.

401.30.2 Fencing at least six (6) feet in height shall be provided along all property lines adjoining residential uses or zoning classifications.

401.30.3 No outdoor speakers shall be permitted if the property adjoins residential uses. The volume of permitted in-vehicle radio speakers shall be modulated and controlled to not create a nuisance for adjacent properties.

401.30.4 All lighting shall be shielded away from adjacent properties and streets.

401.30.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.31 Personal Care Homes: The purpose of such homes is to provide residences for four (4) or more adults 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 shall meet the following conditions:

401.31.1 Signs or exterior displays indicating the name of the home or its use shall comply with Section 509.

401.31.2 At least one (1) additional on-lot parking space shall be provided for each two (2) guests, along with one (1) space per employee.

401.31.3 No home shall admit more than eight (8) guests/clients at any one time.

401.31.4 Evidence of the required State certifications and/or licenses shall be presented to the Zoning Officer.

401.31.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.32 Professional Offices:

401.32.1 Must meet all the setback and yard requirements for the zoning district.

401.32.2 Access shall be from a paved street and all parking/driving areas shall be paved.

401.32.3 Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles. (See Section 507)

401.32.4 All required parking, loading, and unloading shall be contained entirely on the lot, including sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to residential use shall be screened (see definition of Screening).

401.32.5 All lighting shall be so arranged to prevent glare to adjoining properties.

401.32.6 For offices located in residential districts, the primary structure will be limited to 3000 sq. ft.

401.32.7 All dumpsters will be screened from view.

401.33 Radio, T.V., and/or Broadcasting Facilities, subject to the following express standards and criteria:

401.33.1 Facilities involving telecommunications antennas or towers shall be subject to Section 401.7 of this Ordinance.

401.33.2 All structures other than antennas or towers shall meet the minimum setbacks of the district in which they will be located.

401.33.3 Off-street parking shall be provided in accordance with Section 507 of this Ordinance.

401.33.4 Uses involving distribution equipment that is not enclosed by a building shall be secured by a fence at least six (6) feet in height with a self-latching gate.

401.34 Regulations Governing Agriculture:

401.34.1 No retail or commercial activity shall take place other than the storage, processing, and sale of farm products or their accessory products on the property where produced. Roadside stands for the sale of farm-produced products and must have a minimum setback of twenty-five (25) feet from the street or road right-of-way.

401.34.2 No odor or dust-producing use, including the storage of manure, but not including the spreading of manure or fertilizer or the underground storage of manure, shall take place within one hundred fifty (150) feet of the nearest lot line.

401.34.3 In ACR Districts, no farm livestock or fowl shall be kept in a building, pen, or containment, any part of which is closer to the nearest rear or side lot line than one hundred fifty (150) feet. No garbage or refuse, other than that produced on the premises, shall be used, dumped, or stored.

401.34.4 In R1, R2, and BT Districts, no farm livestock or fowl shall be kept in a building, pen, or containment, any part of which is closer to the nearest lot line than one hundred fifty (150) feet. No garbage or refuse, other than that produced on the premises, shall be used, dumped, or stored.

401.35 Residences above Business Use: This special exception is specifically designed to allow three (3) or more residential units in the B District on the upper floors. In addition to meeting other applicable regulations outlined in this Ordinance, such uses shall:

401.35.1 Provide at least five hundred (500) square feet of usable space per dwelling unit. Non-family households shall not exceed four (4) persons.

401.35.2 Provide for off-street parking for occupants, on-lot, or within four hundred (400) feet of the proposed dwelling. The provision of adequate off-street parking shall be mandatory to maintain a secondary residence use.

401.35.3 Present proof that each secondary dwelling can be adequately accommodated with sanitary sewerage services.

401.35.4 The lot area shall be at least twelve thousand (12,000) square feet.

401.35.5 Residence uses will not be allowed on parcels where dangerous or flammable liquids are stored or used.

401.36 Restaurants: in the Village District, restaurants will be allowed, subject to the following conditions:

401.36.1 Outdoor lighting shall be directed away from adjacent structures.

401.36.2 Drive-through facilities will not be permitted.

401.36.3 Structures shall be limited to three thousand (3,000) square feet in size.

401.36.4 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.37 Rooming/Boarding Homes:

401.37.1 May not house more than four (4) roomers/boarders.

401.37.2 Shall not adversely affect the character of the surrounding neighborhood.

401.37.3 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.38 Sawmills are subject to the following express standards and criteria:

401.38.1 The use shall be subject to the Performance Standards of Section 506 of this Ordinance.

401.38.2 All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.

401.38.3 Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road is required by the municipality, proof of compliance is required.

401.38.4 Milling operation shall be discontinued from 7:00 p.m. to 7:00 a.m.

401.38.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.39 Self-Storage Units are subject to the following express standards and criteria:

401.39.1 These uses shall provide a buffer yard of at least six (6) feet, measured from the property line, along all side and rear yards that abut a residential zoning or use.

401.39.2 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.39.3 Must be designed to prevent stormwater damage to neighboring properties.

401.39.4 Must have a designated area for snow removal.

401.39.5 Must be secured by a fence at least six (6) feet high. The fence will be inside the buffer zone.

401.39.6 Cannot be located in a flood hazard area.

401.40 Shopping Centers: This regulation will apply to retail shopping development with twenty thousand (20,000) square feet, or more, of gross floor area, or to any additions to existing shopping centers of that size.

401.40.1 All such uses shall submit a site plan prepared by a registered architect or engineer. This site plan shall contain:

401.40.1.1 The intended development with dimensions, building footprints, and use

401.40.1.2 Utilities

401.40.1.3 The outdoor lighting plan (see item 401.40.4 below)

401.40.1.4 The parking lot plan [see 507.2(h)] of these regulations and item 2 below

401.40.1.5 Drainage plan, if required by local ordinance.

401.40.2 All property lines which abut residential districts or pre-existing residential uses shall maintain both of the following buffer yard types:

401.40.2.1 A twenty (20) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard.

401.40.2.2 A screening yard of spruce, planted to the following standards: An initial row of trees to follow a linear centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.

401.40.3 Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The Zoning Officer may inspect plantings as necessary. Trees that have died shall be replaced as needed.

401.40.4 Lighting: Any lighting used to illuminate buildings, parking, or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.

401.40.5 All retail businesses of twenty thousand (20,000) square feet or greater, shopping centers, and eating and drinking places within this district shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, and maintaining sufficient setbacks for future collector streets or other standard arterial access limitations. As a part of the approval process, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

401.41 Small Engine/Lawnmower Repair

401.41.1 All repair and servicing shall be conducted within an enclosed building.

401.41.2 All repair and servicing shops shall be located a minimum of three (300) feet from all residential dwellings other than those on the applicant's lot.

401.41.3 Customer equipment awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence which is at least six (6) feet in height so they will not be visible from adjacent properties or streets.

401.41.4 There shall be no storage of materials or equipment outside an enclosed building.

401.41.5 Organic waste and/or rubbish shall be stored in covered containers. All discarded parts shall be stored either inside a building or shall be screened from view behind an opaque fence or hedge which is at least six (6) feet in height until they are properly disposed of in accordance with Federal, State, and Local laws.

401.41.6 Adequate off-street parking shall be provided in accordance with Section 507.

401.41.7 The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

401.42 Surface Mining, Sand, and Gravel Pits:

401.42.1 All such operations must obtain a special exception permit.

401.42.2 All required State permits shall be presented before the zoning permit can be issued.

401.42.3 If access to the mining/pit operation is by municipal roads, then the developer is required to obtain written clearance from the municipality relative to the movement of equipment and trucks over the road. Such clearance must be presented before the issuance of a zoning permit.

401.42.4 Operations shall be limited to the hours of 7:00 a.m. to 7:00 p.m., prevailing time.

401.42.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.43 Transfer Stations: All transfer stations shall:

401.43.1 Be on a lot of at least two (2) acres in size.

401.43.2 Maintain side yards of at least thirty (30) feet, of which at least ten (10) feet shall be comprised of screened planting.

401.43.3 The rear yard shall contain at least ten (10) feet of screen planting.

401.43.4 Shall be located on a State-maintained paved road.

401.43.5 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.44 Truck/Bus Terminals shall comply with the following criteria:

401.44.1 Minimum lot size will be five (5) acres.

401.44.2 A performance bond shall be posted in favor of and in the amount prescribed by the local municipality (if required) to guarantee the restoration of local roads as ingress and egress routes.

401.44.3 All maintenance and servicing shall be accomplished in an enclosed building.

401.44.4 Any lighting used to illuminate buildings, parking, or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.

401.44.5 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

401.44.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.44.7 The use shall comply with the Performance Standards specified in Section 506 of this Ordinance.

401.44.8 Roads, parking areas, etc must be treated for dust abatement.

401.45 Ultra-light Airports: These are intended for private use and must comply with the following criteria:

401.45.1 All such airports must be at least three hundred (300) feet from any property line and at least five hundred (500) feet from any dwelling on neighboring properties.

401.45.2 The operator shall present evidence that the facility complies with appropriate State regulations and has secured a license from the Pennsylvania Department of Transportation, Bureau of Aviation.

401.45.3 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.46 Utility Substations shall be subject to the following express standards and criteria:

401.46.1 No storage of movable equipment or material shall be permitted outside a building.

401.46.2 Uses involving equipment, which is not enclosed by a building, shall be secured by a fence at least six (6) feet in height with a self-latching gate. Security fences six (6) feet in height will be allowed for any such use.

401.46.3 Uses involving equipment that is not enclosed by a building shall also be adequately screened by a six (6) foot compact evergreen planting along all property lines adjacent to residential uses or zoning districts.

401.46.4 Substations shall not be used for offices, garages, power generation, repair, or large-scale storage.

401.46.5 Substations may be allowed to use lots that are smaller than those required by this Ordinance.

401.46.6 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507.

401.47 Wholesale Dairy Products Processing and Manufacturing, subject to the following express standards and criteria:

401.47.1 The use shall be subject to the Performance Standards of Section 506 of this Ordinance.

401.47.2 All manufacturing and processing operations shall be conducted within a completely enclosed building.

401.47.3 Products produced on the site may be sold on the site, provided that sales are conducted within a completely enclosed building and the building is located at least fifty (50) feet from the front lot line. Retail sales may include other convenience food and related products.

401.47.4 Off-street parking for the retail sales area shall be provided, as required by Section 507.

401.48 Adult Establishments/Entertainment shall be subject to the Pennsylvania Legislative Act 120 of 1996, 68 PA C.S.A. 5501, and the following express standards and criteria:

401.48.1 Findings

401.48.1.1 That the concentration of these uses causes a deleterious effect on the aesthetics and economics of the area in which these uses are located;

401.48.1.2 That the concentration of these uses causes the area in which these uses have been located to become a focus of crime;

401.48.1.3 In order to prevent the further deterioration of communities and neighborhoods in Warren County, and to provide for the orderly, planned future development of the County, in addition to other zoning regulations, certain additional special regulations are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods; and

401.48.1.4 For the purpose of controlling the concentration of certain uses, special regulations relating to the location of these uses are necessary.

401.48.2 Definitions

401.48.2.1 Adult book/movie rental store. An establishment having a substantial of a significant portion of its stock-in-trade, books, magazines, other periodicals, or movies which are distinguished or characterized by their emphasis on matter depicting, describing, or related to “specific sexual activities,” or an establishment with a segment or section devoted to the sale or display of such material.

401.48.2.2 Adult mini-motion picture theaters. An enclosed building with a capacity for less than fifty persons is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to “specific sexual activities” or “specified anatomical areas” for observation by patrons therein.

401.48.2.3 Adult motion picture theaters. An enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to “specific sexual activities” or “specified anatomical areas” for observation by patrons therein.

401.48.2.4 Bottle Club. A place of assembly owned, operated, maintained, or leased, for pecuniary gain, in which no intoxicating liquors are sold but where patrons are permitted to bring intoxicating liquors upon the premises for their own use and consumption. The floor plan for the place of assembly shall conform to the requirements of 68 PA C.S.A. 5501 et. seq.

401.48.2.5 Cabaret. An adult club, restaurant, theater, hall, or similar place which features (either live or recorded) topless dancers, go-go dancers, exotic dancers, strippers, male and female impersonators, or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

401.48.2.5.1 Specified anatomical areas

401.48.2.5.1.1 Less than completely and opaquely covered

- a. Human genitals, pubic region;
- b. Buttocks; and
- c. Female breast below a point immediately above the top of the areola; and

401.48.2.5.1.2 Human male genitals are in a discernibly turgid state, even if completely and opaquely covered.

401.48.2.5.2 Specified sexual activities.

401.48.2.5.2.1 Human genitals in a state of sexual stimulation or arousal;

401.48.2.5.2.2 Acts of human masturbation, sexual intercourse, or sodomy;

401.48.2.5.2.3 Foundling or another erotic touching of human genitals, pubic region, buttocks, or female breasts.

401.48.2.6 Drug paraphernalia stores. Any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use, or possession is illegal; including, but not limited to, water pipes, pipe “screens”, hashish pipes, “roach” clips, “coke” spoons, “bongs”, and cigarette rolling paper, except this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

401.48.2.7 Massage Parlor. An enclosed building with floor plans which conform to the requirements of 68 PA C.S.A. 5501 et. seq. or an enclosed area within a building in which one of the services offered or provided to the patrons, of said enclosed building or enclosed area within a building, consists of body massages, body rubs, or other physical manipulation of the patron’s body.

401.48.3 Regulated Uses

401.48.3.1 Adult book/movie rental stores

401.48.3.2 Adult mini-motion picture theaters

401.48.3.3 Adult motion picture theaters

401.48.3.4 Bottle Club

401.48.3.5 Cabaret

401.48.3.6 Drug paraphernalia stores

401.48.3.7 Massage businesses (excluding medically prescribed and controlled physical therapy or other licensed professionals)

401.48.4 Prohibited Conduct – No regulated use shall be permitted:

401.48.4.1 Within five hundred (500) feet of any other existing regulated use; and/or,

401.48.4.2 Within five hundred (500) feet of any residentially zoned district, or any of the following residentially related uses:

401.48.4.2.1 Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores;

401.48.4.2.2 Schools, up to and including the twelfth (12) grade and their adjunct play areas;

401.48.4.2.3 Public playgrounds, public swimming pools, public parks, and public libraries.

401.48.4.3 For the purposes of this section, spacing distances shall be measured as follows:

401.48.4.3.1 From the property lines of any “regulated use” listed above;

401.48.4.3.2 From the outward line of the boundary of all residential zoning districts:

401.48.4.3.3 From all property lines of any residentially related use listed above.

401.48.5 Signs and other visible messages. All regulated uses shall be permitted signs and visible messages based on the allowable sign area of the zoning district in which they are located; provided:

401.48.5.1 Signs.

401.48.5.1.1 Sign messages shall be limited to a verbal description of material or services available on the premises; and,

401.48.5.1.2 Sign messages shall not include any graphic or pictorial description of material or services available on the premises.

401.48.5.2 Other visible messages. – Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

401.48.6 Discontinuance of operation. – Should any of the regulated uses listed above cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume, nor be replaced by any other regulated use unless it complies with all the requirements outlined in sections 401.48.4 & 5 above.

401.49 Concentrated Animal Feeding Operations – All feeding operations that fall within the state DEP guidelines for a concentrated animal feeding operation must follow the DEP requirements and permitting process as established in Chapter 92 of the PA Code.

401.50 Backyard Chickens: Backyard chickens are kept primarily for the enjoyment of raising chickens as an accessory use to residential land use.

401.50.1 A Warren County Zoning permit shall be required prior to housing backyard chickens. All applicable information, forms, and fees shall be submitted at the time of application.

401.50.2 Chickens (hens) may be kept on a single-family parcel or kept on one parcel under a single ownership with up to three dwellings provided the property owner gives consent in writing.

401.50.3 Chicken Coop / Outside Run shall be constructed to be resistant to all predators, ventilated, covered, and sufficient size to admit appropriate movement of chickens housed. Tarps or other temporary materials shall not be used in the construction of the coop / Outside Run. A minimum of (3) three square feet shall be provided per chicken housed in Coop. Outside run shall provide a minimum of (6) six square feet per chicken. Coop / Outside Run and may be movable providing the structure complies with all standards of Section 401.50

401.50.4 All chickens shall be restricted from free-range movement and be contained in an area as outlined in the setback restrictions contained in this section.

401.50.5 Quantity of hens allowable per parcel as follows:

up to 1 acre 6 hens per parcel	> than 1 acre (43,560 sqft) For each additional 1000sqft add (1) hen
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For larger parcels refer to Section 401.34 for allowable setbacks

401.50.6 Setback requirements for Chicken Coop / Outside Run: Chicken Coop / Outside Run setback shall be a minimum of 40 feet from all property lines.

401.50.7 All Backyard Chicken operations that land applies or store manure are required to develop and maintain a written Manure Management Plan in accordance with Chapter 91.36 REF: Manure Management Plan Guidance 361-0300-002 (or most recent revision). The Warren County Conservation District is available to assist with these planning requirements.

401.50.8 No Roosters shall be permitted.

401.50.9 All chickens shall be restricted to the enclosed coop during nighttime hours.

401.50.10 Feed shall be stored in rodent and predator-proof containers.

401.50.11 Sale of chickens, eggs, and/or by-products is not permitted.

401.50.12 Chickens shall not be slaughtered outside or in view of the public.

401.50.13 Carcass of deceased poultry shall be disposed of in a safe manner so as not to transmit disease or attract pests.

REF: PA Livestock & Poultry Mortality Disposal / PA Domestic Animal Act

401.50.14 Abandoned chicken coops shall be removed from the property if unused for a period of 12 months.

401.51 DOG PARK: A **dog park** is an area reserved for **dogs** to exercise and play off-leash in a controlled environment under the supervision of their owners.

401.51.1 A Warren County Zoning **Special Exception** permit shall be required prior to opening / operating a dog park. All applicable information, forms, and fees shall be submitted at time of application.

401.51.2 Minimum Lot Size shall be one (1) acre..

401.51.3 Setbacks shall be reflective of the zoning classification in which the dog park is to be constructed.

401.51.4 Dog Parks adjoining a residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance, which is a minimum of six (6) feet deep.

401.51.5 Fencing shall be a minimum of four (4) feet tall and constructed of commercial-grade chain link or equivalent material.

401.51.6 Fencing shall have a minimum of two (2) access points. All gates shall be self-latching and be the same height as the fence.

401.51.7 Fencing shall include separate enclosures for dogs of various sizes and temperament.

401.51.8 All parking shall be in compliance with Section 507 of the Warren County Zoning Ordinance, with a minimum of five (5) spaces and one (1) van accessible handicap space.

401.51.9 Surface shall include necessary drainage to provide a safe surface for play, safety, and ease of cleaning.

401.51.10 Hours of operation shall be limited to dawn to dusk.

401.51.11 A permanent sign stating hours of operation, rules and regulations, contact information for the owner, and emergency contact information shall be required at each entrance.

401.51.12 Dog Park shall be for the use of dogs only; no other animals, domesticated or otherwise, shall be allowed.

401.52 Industrial/Commercial Sandblasting & Painting Services are subject to the following express standards and criteria:

401.52.1 The use shall be subject to the Performance Standards of Section 506 of this Ordinance.

401.52.2 All sandblasting & painting operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.

401.52.3 Commercial sandblasting must comply with Department of Environmental Protection (DEP) air quality requirements or other permitting requirements as required.

401.52.4 Appropriate measures shall be taken to prevent all runoff and debris from entering streams, subsurface water tables, and other bodies of water.

401.52.5 Any activity conducted outside of an enclosed building, including the storage of materials, vehicles, or equipment, shall be screened from view from public roads and adjacent properties by an opaque fence or landscaping a minimum of 8' in height.

401.52.6 Any sandblasting or painting activity conducted outside of an enclosed building shall be performed on a concrete or paved surface.

401.52.7 Trucks and vehicles providing pick-up and delivery services shall follow the rules and regulations as required by the municipality where the activity is taking place, i.e., appropriate road bonding or other financial security as required by the municipality.

401.52.8 Sandblasting/Painting operation shall be discontinued from 7:00 p.m. to 7:00 a.m.

401.52.9 All sandblasting & painting activities will be in full compliance with all regulations of the municipal, state, federal governments, and any other regulations as they apply to the protection of air quality, wildlife, and water sources.

401.52.10 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507 (Industrial: Manufacturing).

401.52.11 No loading or unloading shall be permitted from any municipal or state road or right-of-way.

401.53 Contractor Yard / Oil Field Service Yards are subject to the following express standards and criteria:

401.53.1 The use shall be subject to the Performance Standards of Section 506 of this Ordinance.

401.53.2 In the **ACR District**, Contractor Yard/Oil Field Service Yard activities conducted on the property shall be located at least One Hundred Fifty (150) feet from any property line and screened from view from public roads and adjacent properties by an opaque fence or landscaping a minimum of 8' in height.

In the **I-Industrial District**, Contractor Yard/Oil Field Service Yard activities shall be located in accordance with the setback requirements of the I-Industrial District; unless adjacent or opposite to any residential use, the minimum setback requirement would be one hundred fifty (150) feet from any existing dwelling.

In the **B-Business District**, Contractor Yard Service activities shall be located in accordance with the setback requirements of the B-Business District; unless adjacent or opposite to any residential use, the minimum setback requirement would be one hundred fifty (150) feet from any existing dwelling and screened from view from public roads and adjacent properties by an opaque fence or landscaping a minimum of 8' in height. Oil Field Service Yards are not permitted in the B-Business District.

401.53.3 Appropriate measures shall be taken to prevent all runoff and debris from entering streams, subsurface water tables, and other bodies of water.

401.53.4 Trucks and vehicles providing pick-up and delivery services shall follow the rules and regulations as required by the municipality where the activity is taking place, i.e., appropriate road bonding or other financial security as required by the municipality.

401.53.5 All Contractor Yard/Oil Field Service Yard activities shall be discontinued from 7:00 p.m. to 7:00 a.m.

401.53.6 Contractor Yard/Oil Field Service Yard activities shall be in full compliance with all regulations as required by the municipal, state, and federal governments.

401.53.7 Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of Section 507 (Industrial: Manufacturing).

401.53.8 No loading or unloading shall be permitted from any municipal or state road or right-of-way.

402 Procedures for Special Exceptions and Conditional Uses: All applications for a special exception or conditional use shall be filed with the Warren County Zoning Officer. Such applications shall be on forms provided by the County and shall include:

402.1 A narrative describing the proposed use and, as appropriate, its operation.

402.2 Recite the criteria as set forth by this section needed for a special exception or a conditional use and describe how the proposed development conforms to the same.

402.3 Provide a site plan and a stormwater runoff plan. The following must appear on all site plans:

402.3.1 Location of all property lines. Include the length of all property lines and include the size of your lot in square feet or acres.

402.3.2 Location of all **existing** buildings and improvements including but not limited to the primary structure, garage, sheds, decks, patios, porches, swimming pools, hot tubs, driveways, and any other outbuildings.

402.3.3 Location of all **proposed** buildings and improvements including but not limited to primary structures, garages, sheds, decks, patios, porches, swimming pools, hot tubs, driveways, and any other outbuildings.

402.3.4 The dimensions, including the area calculations in square feet, of all existing and proposed improvements on the property including but not limited to primary structures, garages, sheds, decks, patios, porches, swimming pools, hot tubs, driveways, and any other outbuildings.

402.3.5 The distance from all existing and proposed improvements to all property lines.

402.3.6 Location of all easements on the property, both public and private, and the dimensions of the easement. These include but are not limited to overhead power lines, sewer, water, phone, cable, etc.

402.3.7 Location of the building setback lines. Call the zoning office to get this information for your zoning district.

402.3.8 Location of the driveway, parking area, and sidewalks.

402.3.9 Location of all public street **right-of-way**.

402.3.10 Location of all public streets, including curb and sidewalk, if applicable.

402.3.11 Location of waste storage enclosure, if applicable.

402.3.12 Location of any exterior lighting, if applicable.

402.3.13 Location of the on-lot sewage system, if applicable.

402.3.14 Location of all wetland areas, if applicable.

402.3.15 Location of all streams or waterways, if applicable.

402.3.16 Location of the 100-year flood plain and the 100-year flood elevation, if applicable.

402.3.17 Boundaries of the 100-year flood plain must be field-staked before any site construction, if applicable. (See Notes)

NOTES

Any lot which contains a recorded easement or right-of-way MUST have the following note on the site plan:

“Nothing shall be placed, planted, set, or put within the area of the easement that would adversely affect the function of the easement.

Any lot which contains a 100-year flood plain MUST contain the following note:

Any proposed improvements to be located within the 100-year flood plain shall be in accordance with Article XI of the Warren County Zoning Ordinance and the 2009 International Residential Building Code.

402.4 Provide any landscaping plan required, including those for screening and/or buffer yards.

402.5 Any other pertinent data which may be useful in reviewing the proposal.

402.6 All applications shall be complete and shall be accompanied by required fees.

402.7 The processing of special exceptions and conditional uses is set forth in Articles 7 and 8.

**ARTICLE V
SUPPLEMENTARY REGULATIONS**

Section 501 Nonconforming Uses and Structures

Every structure, use, or lot which does not conform to the regulations of the district in which it is located at the time of adoption of this ordinance or amendment thereto, shall be considered “non-conforming.” The following provisions shall apply to all nonconforming uses and structures. Warren County intends that all legal nonconforming uses and structures shall be able to continue; however, all use existing at the effective date of this Ordinance where it is not possible to meet the new criteria, such as setbacks on existing buildings, that one criterion may be grandfathered but the use shall conform as much as possible to all other criteria and all changes in such uses shall only be as allowed in this article.

501.1 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 zoning hearing board in accordance with the provisions of this ordinance. Although the nonconforming use may continue, the use will have to conform as much as possible to the conditions established for new businesses. Nonconforming uses may have signs that meet the sign requirements of the business district.

501.2 A nonconforming structure that has been partly or completely destroyed, other than by intent or design, may be rebuilt or repaired within one (1) year and continued. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official.

501.3 In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, the nonconforming use shall not be resumed and any further use shall conform with the provisions of this ordinance.

501.4 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 zoning hearing board, be replaced, extended, or enlarged up to, but not more than twenty-five (25) percent of its floor area and/or lot area, as it existed at the time of passage of this ordinance. Such enlargements must conform to all other regulations of the district where it is situated. This provision may be used only once for each zoned lot. Furthermore, such structures must comply with the area, 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.

501.5 Existing uses shall be subject to and comply with the standards and criteria as appropriate for each use. If the existing use cannot conform to the layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, then the zoning officer will document these items for waiver and nonconforming status.

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

501.7 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 Article shall also apply to any uses which thereby become non-conforming.

501.8 Nonconforming signs may be repaired, provided that no structural alterations are made that increase the gross surface area of the sign. Nonconforming signs may not be enlarged or added to; however, the interchange of poster panels on nonconforming signs shall be permitted.

Section 502 Existing Lots of Record 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, the lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replating to fewer lots, which would comply with the minimum requirements of this ordinance.

Section 503 Application of Yard Regulations

503.1 Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of either or both sidelines of the lot, 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. For structures on the same lot, an established building line may be used even if it is nonconforming as long as it does not increase the nonconformity.

503.2 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 Sections 503.3 - 8.

503.3 A wall or fence under six (6) feet in height and paved terraces without walls, roofs, or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this ordinance may not be subject to the six (6) foot-high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free-sight triangle at intersections. Fences for safety purposes or containment of livestock and do not block a public road or driveway lines of sight are exempt from these provisions.

503.4 Swimming pools shall be permitted in the side or rear yard areas provided that the pool is located at least fifteen (15) feet from the lot line. When a pool has a deck attached, the deck will be a minimum of ten (10) feet from the lot line. All swimming pools must conform to the requirements and standards of the current International Building Code.

503.5 Accessory structures are allowed in all zoning districts as long as they meet all the requirements of that zoning district.

503.5.1 Small garden sheds, storage sheds, and similar structures, (under 400 sq. ft.) may be permitted in the side and rear yard areas provided such structure does not lie closer than five (5) feet to an abutting lot line.

503.5.2 Storage sheds and garages over 400 sq. ft. must meet the same setback requirements as the principal structure.

503.5.3 For structures over sixteen (16) feet in height, the minimum setback will be increased by one foot for each foot over sixteen feet but shall not exceed the setback requirement for the principal structure.

503.5.4 In “ACR” Districts, accessory buildings may be in front of the principal building but must still meet the front setback requirement.

503.5.5 Carports are considered accessory structures.

503.6 Attached Accessory Structures: When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this ordinance applicable to the principal building.

503.7 Fire Escapes and Other Permitted Projections: Nothing contained in this ordinance shall prevent the projection of an open fireproof escape or stairway into a rear or side yard for a distance not to exceed six (6) feet. In addition, typical architectural features, including, but not limited to, bay windows, window sills, cornices, and eaves, shall be permitted to project into required yards no more than two (2) feet.

503.8 Ramps for handicapped persons will be permitted and shall be so designed to minimize intrusions on the required yard requirements.

503.9 Storage

503.9.1 Storage of materials and equipment outside a completely enclosed structure for more than forty-eight (48) hours shall not be permitted in the “B” and “BT” Districts. In the “I” District any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.

503.9.2 Organic rubbish and discarded materials shall be contained in airtight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.

503.9.3 Any establishment which furnishes shopping carts or mobile baskets shall provide designated and secure areas within the parking area for the storage of shopping carts. Said storage areas shall be clearly marked and shall not reduce the area required for parking spaces for the principal use

Section 504 Temporary Structures

504.1 Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Temporary structures are subject to all use and setback requirements and shall be removed immediately upon completion of construction.

504.2 Temporary permits for mobile homes may be issued for a period of twelve (12) months. No utilities can be connected to the mobile home during that period. Also, the mobile home will meet the setback requirements of the district and be supported so as not to cause a hazard. If a permanent zoning permit has not been issued by the end of the twelve (12) month period, the mobile home will be removed from the property

Section 505 Height Limitations

When the following conditions are met, height limits may be increased:

505.1 Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all 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.

505.2 The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulkheads, smoke stacks, telecommunication towers, conveyors, flag poles, agricultural barns, silos, and similar farm structures, standpipes, elevated water tanks, derricks, and similar structures.

Section 506 Performance Standards

No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

506.1 Fire Protection: Fire protection and fire fighting 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.

506.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television, or other communication equipment in the neighboring area.

506.3 Noise: Noise that 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 over 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.

506.4 Air Pollution/Smoke: Shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).

506.5 Glare: Lighting devices that produce an objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

506.6 Erosion: No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.

506.7 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

506.8 Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration as a result of construction activity shall be permitted.

Section 507 Off-Street Loading and Parking

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

507.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with their size.

Off-Street Loading Space Requirements:

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
<u>Industrial:</u>		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000

Commercial:

Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000

Institutional:

Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000

Public Buildings:

Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

507.1.1 Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

507.1.2 Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining a residential use or zoning classification. All loading spaces located along a property line adjoining a residential use or zoning classification shall be screened by an opaque wall, fence, or hedge at least six (6) feet in height.

507.2 Off-Street Parking:

507.2.1 Size and Access: For all uses, each parking space shall have a uniform area of one hundred sixty-two (162) square feet, being at least nine (09) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround areas so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley, or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. 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.

507.2.2 Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. 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 of the 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, unless it can be shown that peak times will differ.

PARKING

<u>Uses</u>	<u>Required Spaces</u>
1. Auto Sales and Service	1 for each 250 square feet GFA
2. Service Stations	1 for each 250 square feet GFA
3. Single-Family Dwelling and Duplex	2 per dwelling unit
4. Multi-Family Dwelling	2 per dwelling unit*
5. Mobile Home Parks	2 per each mobile home space
6. Hotels and Motels	1 per guest room**
7. Funeral Home and Mortuaries	25 for the first parlor 10 for each additional parlor
8. Hospitals	1 per each bed**
9. Nursing Homes	1 per every 3 beds**
10. Churches	1 per each 3 seats

11. Schools	1 per each teacher and staff & 1 for each 4 classrooms + 1 for each 4 high school students***
12. Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 per each 4 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs, and Lodges	1 space for every 50 square feet of public floor area
14. Roller Rinks	1 space for each 250 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	≤ 10,000: 1 per each 400 square feet GFA > 10,000: 1 per each 350 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per 500 sq. ft. of floor area, or 1 per each 2 patron seats, whichever is greater**
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 250 square feet GFA
23. Trailer and Monument Sales	1 per every 2,500 square feet of lot area
24. Restaurants, Taverns, and Nightclubs	1 per 500 sq. ft. of floor area, or 1 for each 2 patron seats whichever is greater
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 square feet for visitors
26. Commercial Recreation	(not otherwise covered) 1 space for every 2 persons permitted in at maximum occupancy
27. Boarding or Rooming Houses (B&B)	1 for each rental room
28. Home occupations and Day Care Homes	Two (2) in addition to the spaces required for the dwelling
29. Golf Courses	Six (6) for each hole

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| 30. Tennis or Racquet Courts | Three (3) for each court |
| 31. Other public or private recreation | Ten (10) spaces for each playing field or other active area (playground, basketball court, etc.) |

*Multi-family units devoted to the elderly shall only be required to provide .5 parking spaces per unit. Such use must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

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

***If the school contains an auditorium, its total available parking shall provide at least 1 space for every 4 seats in the auditorium.

Note: GFA means gross floor area.

507.2.3 Location and Parking: Required parking spaces shall be located on the same lot as the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than four hundred (400) 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. In densely developed areas, the Zoning Hearing Board may allow public or on-street parking to be included for a “B” Business District or “V” Village District if it is within a one hundred fifty (150) foot radius of the property.

507.3 Parking Lot Requirements

507.3.1 Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least six (6) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained. For lots of twenty-five (25) or more, see 507.3.5.

507.3.2 Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.

507.3.3 Surfacing: With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan [see 507.3.5.4 below], including drainage provisions, to the county for approval. Lots shall be designed to provide for orderly and safe loading and parking.

507.3.4 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.

507.3.5 Parking Lot Landscaping: The objective of this section is to improve the appearance of parking lots and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for the installation and maintenance of landscaping for screening.

507.3.5.1 Business and Industrial Districts:

507.3.5.1.1 Off-street parking in rear yards for uses requiring twenty-five (25) or more spaces is preferred and encouraged. Should the developer deem it necessary to locate parking in the side and/or front yards, the following standards shall apply:

507.3.5.1.2 Any parking area of over twenty-five (25) spaces shall contain perimeter and/or interior parking lot landscaping of five percent (5%) or more of the total area of the lot. In any case, interior parking lot landscaping must account for a minimum of ten percent (10%) of the total landscape area requirement.

507.3.5.1.3 Buffer areas, as defined by this ordinance, used to screen adjoining residential property lines, shall be considered separate from parking lot landscaping requirements.

507.3.5.2 Landscaping at Driveway and Street Intersections: To ensure that landscape materials do not constitute a driving hazard, a “sight triangle” will be observed at intersections of driveways and streets. Within this sight triangle, no landscape material, except for grass or ground cover, shall be permitted. Within the sight triangle, trees shall be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic visibility hazard. The sight triangle is defined as follows:

507.3.5.2.1 Driveway Intersection Sight Triangle: At intersections of driveways with streets, the sight triangle shall be formed by measuring at least ten (10) feet along curb lines and connecting these points.

507.3.5.2.2 Street Intersection Sight Triangle: At street intersections, the sight triangle shall be formed by measuring at

least thirty-five (35) feet along curb lines and connecting these points.

507.3.5.3 Maintenance: The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Dead plants must be replaced within one (1) year or by the next planting period, whichever occurs first.

507.3.5.4 Plan Approval: A plot plan shall be submitted to and approved by the Warren County Planning and Zoning Commission, subject to the review and approval of such other agencies as may be deemed appropriate by the Commission. The plot plan shall be drawn to scale, including dimensions and distances, and clearly delineate the existing and proposed parking spaces, or other vehicle use areas, access aisles, driveways, and the location, size, and description of all other landscape materials, the location, and size of buildings, if any to be served, and shall designate by name and location the plant material to be installed or, if existing, to be used in accordance with the requirements of this ordinance.

Section 508 Commercial Vehicles and Machinery in Residential and Village Districts

Commercial vehicles and/or machinery may be parked and/or stored in residential and village districts by Special Exception of the Zoning Hearing Board if all the following conditions are met. Commercial vehicles are described as vehicles requiring semi-annual inspections under the Pennsylvania Vehicle Code. This includes semi-tractors and trailers and all other large trucks requiring semi-annual inspection. Machinery/heavy equipment refers to construction and excavating equipment normally used in construction. This includes backhoes, trenchers, bulldozers, and similar machinery. This does not include rentals, farm tractors and farm equipment, school buses, church buses, or equipment left on the construction site temporarily. This is not a permit to operate a business in these districts; it just allows the overnight parking of a vehicle in these districts.

508.1 The lot size must be two (2) acres or more.

508.2 The truck or equipment may only be parked on the side (behind the front of the house or behind the front yard setback requirement whichever is greater) or rear yard as defined in this ordinance.

508.3 It must be buffered from residential uses by a buffer zone at least twelve (12) feet in depth measured from the property line.

508.4 The buffer zone is a landscaped area that shall be planted and maintained in trees, grass, ground cover, shrubs, or other natural landscaping materials which within three (3) years of planting meets the standard of providing a compact, year-round visual screen at least eight (8) feet in height; or a natural barrier or fence which duplicates the effect of the required buffer area.

508.5 Refrigeration units will not be left running longer than the truck/tractor.

508.6 Trucks/tractors will not be left idling longer than fifteen (15) minutes.

508.7 No servicing or repair work on the vehicle/heavy equipment shall be accomplished.

508.8 Driveway must be constructed to withstand the weight of the vehicle or equipment (minimum gravel).

508.9 Appropriate lighting may be used but it must be shielded from adjoining residential properties.

508.10 Must comply with the Performance Standards of Section 506. (Hazmat, smoke, fumes, noise, vapors, explosion hazards, etc.)

508.11 A performance bond shall be posted in favor of and in the amount prescribed by the local municipality (if required) to guarantee the restoration of local roads as ingress and egress routes.

Section 509 Signs

509.1 The following sign regulations shall be observed in all districts:

509.1.1 No permit shall be required to erect the following such signs:

509.1.1.1 Temporary signs announcing a campaign, drive, or event of a civic, educational, or religious organization, provided the sign shall not exceed thirty-two (32) square feet in area and shall be removed immediately upon the completion of the campaign, drive, or event.

509.1.1.2 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.

509.1.1.3 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 thirty-two (32) square feet, and provided that such sign shall be removed upon completion of the work.

509.1.1.4 No 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 six (6) square feet.

509.1.1.5 Political Signs.

509.1.2 No signs shall be permitted within street lines, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.

509.1.3 No wall sign shall project more than twelve (12) inches from the building facade to which it is attached.

509.1.4 No sign that is a part of, or is supported by, a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building.

509.1.5 The height of free-standing signs from curb level to the top of the sign shall not exceed twenty (20) feet in all areas except business/industrial districts where they may extend to thirty-five (35) feet in height.

509.1.6 In Residential, the Agricultural-Conservation-Recreational Districts, signs will be permitted in the front yard but must be at least ten (10) feet behind the front property line. In business districts, signs may be permitted up to the front yard line except where such signs would interfere with the required free sight triangle (see Section 507.3.5.2), or where they would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.

509.1.7 Sign Lighting

509.1.7.1 Signs may be lighted with non-glaring lights, or may be illuminated by shielded floodlights but shall not be flashing, revolving, animated, or otherwise in motion. Signs which are not effectively shielded to prevent beams or rays of light from being directed at a portion of the traveled way or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle, or which otherwise interfere with a driver's operation of a motor vehicle is prohibited.

509.1.7.2 A sign may not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

509.1.7.3 Signs which include or are illuminated by a flashing, intermittent, or moving light or lights shall be prohibited, except those giving public service information such as time, date, temperature, weather, or similar information. This provision shall not restrict signs with electronic changing messages that do not flash.

509.1.8 All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the property shall have the responsibility to ensure such signs are removed within sixty days.

509.1.9 Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, provided such repainting or repairing does not exceed the dimensions of the existing sign.

509.1.10 Directional and information signs shall be permitted in all non-residential/village districts and are subject to the following express standards and criteria:

509.1.10.1 Display materials on said signs shall be limited to name and type of establishment, business symbol, phone number, distance, and directions.

509.1.10.2 Signs may be no larger than thirty-two (32) square feet in size, except beside a highway of four (4) lanes or larger, the sign may be sixty-eight (68) square feet in size. Signs will be considered a rectangle using the largest measurements for height and width.

509.1.10.3 One (1) sign per business shall be permitted on each highway approach, and each sign to the business location shall be within ten (10) miles of the establishment.

509.1.10.4 There shall be no sign located closer to another sign than three hundred (300) feet, in either direction on the same side of the road on which the sign is located, and no more than four (4) signs on each side of the road per mile. Signs must be at least twenty-five (25) feet from the edge of the road right-of-way. No directional sign shall be erected within fifty (50) feet of a property line adjoining that property upon which the sign is to be erected, other than highway right-of-way.

509.1.11 On-premises business identification ground signs (excluding home occupations) up to thirty-two (32) square feet may be placed in the front yard.

509.1.12 A sign shall not be permitted that attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles an official traffic sign, signal, or device.

509.1.13 Reserved.

509.1.14 Signs may not be erected or maintained upon trees or painted or drawn upon rocks or natural features.

509.2 In Residential Districts and the Agricultural, Conservation, and Recreational District, the following signs shall be permitted:

509.2.1 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 six (6) square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line.

509.2.2 An advertising sign for the sale of products grown or produced on the premises, which may be illuminated on one or two sides but shall not be flashing, revolving, animated, or otherwise in motion and not more than six (6) square feet in area.

509.2.3 Signs appropriate to a public or quasi-public building or necessary to legal process but not exceeding thirty-two (32) square feet.

509.2.4 For residential developments, one permanent identification sign per street frontage containing only the name of the development and the street address, and shall not exceed thirty-two (32) square feet.

509.2.5 One (1) on-premises identification or advertising sign shall be permitted for non-residential uses which are authorized as conditional uses or uses by special exception and not exceeding thirty-two (32) square feet.

509.2.6 Sign, bulletin board, announcement board, or identification sign for schools, churches, hospitals, 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 thirty-two (32) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

509.2.7 For multiple-unit dwelling complexes, one (1) sign, not to exceed two (2) square feet per building, shall be permitted to identify the name, address, and telephone number of the owner or manager. In addition, one (1) sign which exclusively identifies the multiple-unit dwelling complex by its commonly known name, said sign not to exceed thirty-two (32) square feet, shall be permitted.

509.3 In Business Transitional and Business Districts, the following signs shall be permitted:

509.3.1 Signs directing patrons, members, or audience to temporary exhibits, shows, or events, provided that such sign shall not exceed six (6) square feet; shall

be removed upon completion of the exhibit, show, or event, and shall not be posted earlier than two (2) weeks before the date of the exhibit, show, or event.

509.3.2 Special temporary promotional devices, signs, or displays, such as banners or pennants. Where such signs are outside of a building, they may remain on display for a period not to exceed thirty (30) consecutive days.

509.3.3 The total signage allowed for a business shall be based on the formula of two (2) square feet of signage for each lineal foot of horizontal building facade and may not exceed two hundred (200) square feet (excludes shopping centers). This includes wall signs, pole signs, ground signs, etc.

509.3.4 Signs may be permitted up to the front yard line except where such signs would interfere with the required free sight triangle (see Section 507.3.5.2), or where they would interfere with pedestrian or traffic visibility. Signs shall not project over or onto any public right-of-way.

509.3.5 Wall signs: Provided that the total of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building facade length. Applications for permits for signs that exceed this requirement must be presented to the Zoning Hearing Board for issuance by special exception. Signs may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages.

509.3.6 Pole Signs: May be illuminated or non-illuminated. The area per sign face shall not exceed one hundred and fifty (150) square feet in surface area per face. No more than two (2) sign faces shall be permitted. There shall be at least ten (10) feet of clearance between ground level and the bottom of the sign face.

509.3.7 Directional Ground Signs: Shall not exceed twelve (12) square feet in size and may be illuminated or non-illuminated.

509.3.8 Shopping Centers (Multi-tenant Identification Signs): One (1) directory-type sign shall be permitted for a shopping center that identifies the name of the shopping center and the tenants of the facility. Such a sign shall not exceed two hundred (200) square feet in overall size per sign face. In addition, some twelve (12) square feet for each tenant name may be used on the directory sign. Applications for permits for signs over 200 square feet can be issued by special exception from the Zoning Hearing Board. Tenants will be allowed to display signs on or in the shopping center in accordance with Section 509.3.5 above.

509.3.9 Multi-tenant Building: Where more than one (1) tenant exists in a building, each tenant shall be allowed a sign consistent with the requirements of this ordinance.

509.3.10 Businesses located in zoning districts other than the Business District (nonconforming uses) may have signs that meet the requirements of the Business District.

509.4 In the Industrial District, the following signs shall be permitted:

509.4.1 Those signs permitted in the Business District.

509.4.2 Not more than three (3) signs provided that such signs shall not exceed an aggregate area of two hundred (200) square feet.

509.5 In Village District, the following signs shall be permitted:

509.5.1 Wall signs provided that the total of such signs shall be limited to two (2) square feet for each linear foot of horizontal building facade length, but not to exceed an aggregate area of sixty (60) square feet. They may be illuminated or non-illuminated. Wall signs shall be allowed on all building frontages. Such signs shall not extend more than twelve (12) inches from the main wall of the building.

509.5.2 Signs attached to a wall that project in such a manner that the faces of the sign form an angle of 90 degrees with the wall shall be permitted in Village Districts, subject to the following regulations:

509.5.2.1 Such signs shall not project more than six (6) feet from the wall.

509.5.2.2 Only one (1) such sign shall be permitted per premises, and only in lieu of other signs.

509.5.2.3 Such signs shall be non-glaring and non-moving.

509.5.2.4 There shall be a minimum height from the curb level to the bottom of the sign of ten (10) feet.

509.5.2.5 Signs shall have a maximum area of sixteen (16) square feet on each face.

509.5.3 Multi-Tenant Building: Where more than one (1) tenant exists in a building, each tenant shall be allowed a sign consistent with the requirements of this ordinance.

Section 510 Flood Hazard Areas (See Article 11)

Section 511 Individual Mobile Homes

Mobile homes are for dwelling purposes only and shall not be used as an accessory structure or storage shed. Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

511.1 The proposed lot shall meet all area and yard requirements of the district.

511.2 Tie-downs shall be installed to prevent wind or water movement and damage and shall be consistent with the requirements of the International Residential Building Code.

511.3 Mobile homes located in a flood hazard area shall be installed so that the main floor is at least one and a half (1 ½) feet above the high flood level and shall not be installed in a designated flood path. A Certificate of Elevation will be required before issuing a zoning permit.

511.4 Each mobile home shall be skirted with an enclosure of compatible design and material. Such skirting shall provide adequate ventilation to inhibit the formation of moisture and decay.

511.5 Mobile homes used for “care-dependent persons” may be placed in all zoning districts. This use is for the care of immediate family members and is limited to parents, children, and siblings. It cannot be used for extended family or non-family members, and this is limited to only one mobile home per lot. Homes in the “R1”, “B”, “BT”, “PD”, “V”, and “I” Districts shall be approved by the Zoning Hearing Board. The home must meet all requirements of the zoning district it’s in, and no variances can be issued. The home must be removed within six (6) months after its purpose has been served. This permit must be renewed annually.

Section 512 Helipads are subject to the following express standards and criteria:

512.1 Helipads shall be permitted only when an accessory use is to hospitals, airports, office parks, industrial parks, or recreational resorts.

512.2 Helipads shall be located at least one hundred (100) feet from any property line or public street.

512.3 Evidence of compliance with all applicable regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation shall be submitted.

512.4 The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate the same.

512.5 The helicopter landing pad shall be paved, level, and maintained dirt-free. Rooftop pads shall be free of all loose stone and aggregate.

512.6 An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

512.7 Lighting shall be shielded away from adjacent properties.

Section 513 Business Transitional “BT” Districts

All uses in the “BT” district are subject to the following express standards and criteria and any such additional requirements as shall be fixed by the Zoning Hearing Board.

513.1 The uses authorized as uses by special exception in the “B” & “BT” District shall comply with the applicable standards and criteria of Article IV for those uses.

513.2 The site shall have frontage on and direct vehicular access to a Commonwealth route or a major road or street.

513.3 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.

513.4 Off-street parking and loading shall be provided in accordance with Section 507 of this Ordinance.

513.5 Maximum height of buildings shall be no more than sixty (60) feet.

513.6 All exterior lighting shall be shielded and directed away from adjoining properties or streets.

513.7 All uses shall be subject to the requirements of Section 503.9 of this ordinance regarding storage.

Section 514 Industrial “I” Districts

The structures and uses allowed in the “I” District are subject to the following express standards and criteria:

514.1 All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.

514.2 Along all property lines adjoining residential uses or zoning classifications, the required yard clearance for manufacturing and or industrial uses shall be one hundred (100) feet.

514.3 All uses shall comply with the Performance Standards specifications in Section 506 of this Ordinance.

514.4 The following accessory uses shall be permitted:

514.4.1 Employee cafeterias or dining facilities.

514.4.2 Retail sales and distribution of products manufactured on the site.

514.4.3 Administrative offices.

514.5 All residential uses will meet the requirements of the “R2” District.

Section 515 Ethanol Production for Fuel (Stills)

515.1 Ethanol production of any type will be limited to Agriculture-Conservation-Recreation “ACR” & Industrial “I” Districts and by Special Exception only.

515.2 Small producers (produce and receives not more than 10,000 proof gallons of alcohol per year) may be located in the “ACR” district. The production of ethanol in this district will be for personal use only and not for wholesale or retail distribution.

515.3 Medium (produces and receives more than 10,000 but not more than 500,000 proof gallons per year) and large producers (produces and receives more than 500,000 proof gallons of alcohol per year) will be limited to the Industrial District.

515.4 Shall be considered heavy manufacturing in the Industrial District and require Zoning Hearing Board approval.

515.5 Ethanol production will be in a detached building.

515.6 All ethanol production must meet the performance standards in Section 506.

515.7 Ethanol producers must meet all Federal and State regulations pertaining to ethanol production and must have all Federal and State permits before issuance of the Zoning Permit.

515.8 Must have adequate means and any necessary permits to dispose of all by-product materials.

515.9 Cannot be within 300 ft. of neighboring homes.

515.10 Must register with the local fire department.

515.11 Must meet all the requirements of the International Building Code and the International Fire Code.

515.12 The Zoning Hearing Board may add any reasonable conditions as they deem necessary in accordance with Sections 301.10 and 401.

Section 516 Outdoor Advertising Devices

516.1 Size of Outdoor Advertising Devices:

516.1.1 The size of outdoor advertising devices may range from ninety-six (96) square feet to a maximum area of three hundred (300) square feet.

516.1.2 The area of the facing or surface shall be measured by the largest measurement of height and width, treating the sign as a rectangle.

516.1.3 No more than two (2) Outdoor Advertising Devices may be placed at one location, either back-to-back or V-type.

516.2 Spacing of Outdoor Advertising Devices:

516.2.1 Along limited access highways on the primary system, no two Outdoor Advertising Device locations shall be spaced less than five hundred (500) feet apart; and outside the boundaries of cities of all classes and boroughs, no Outdoor Advertising Device may be erected adjacent to or within five hundred (500) feet of an interchange or safety rest area, measured along the limited access highway from the beginning or ending or pavement widening at the exit from or entrance to the main-traveled way.

516.2.2 Along non-limited access highways on the primary system, there shall be no Outdoor Advertising Device located closer to another Outdoor Advertising Device than three hundred (300) feet in either direction on either side of the road on which the Outdoor Advertising Device is located, and no more than four (4) Outdoor Advertising Devices may be located on each side of the road per mile.

516.2.3 No Outdoor Advertising Device shall be erected within one hundred (100) feet of a property line adjoining that property upon which the device is to be erected, other than highway right-of-way.

516.2.4 These spacing provisions shall not apply to Outdoor Advertising Device locations separated by a building or other obstruction in such a manner that only one Outdoor Advertising Device facing located within these spacing distances is visible from the highway at any one time.

516.2.5 Official and “on-premises” signs, as defined in Section 131(c) of Title 23, United States Code, and Signs as set forth in Section 509 of this Ordinance, shall not be counted nor shall measurements be made from them for purposes of determining spacing requirements for Outdoor Advertising Devices.

516.2.6 The distance between Outdoor Advertising Device locations shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the traveled way.

516.2.7 Outdoor Advertising Devices shall be located at least twenty-five (25) feet from the nearest edge of the pavement of any adjacent road or highway.

516.3 Lighting of Outdoor Advertising Devices:

516.3.1 No illuminated Outdoor Advertising Device will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any adjacent roadways or highways or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which interferes with any driver's operation of a motor vehicle.

516.3.2 No Outdoor Advertising Device shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

516.3.3 Outdoor Advertising Devices that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information. This provision shall not restrict signs with electronic changing messages that do not flash.

516.4 Maintenance of Outdoor Advertising Devices:

516.4.1 Every Outdoor Advertising Device shall be constructed of durable materials and shall be kept in good condition and repair.

516.4.2 All illuminated Outdoor Advertising Devices shall comply with all applicable electrical codes.

516.4.3 If the Warren County Zoning Officer finds that any Outdoor Advertising Device regulated herein is unsafe or insecure, or has been constructed, erected, or is being maintained in violation of the provisions of this Ordinance, written notice shall be given to the owner thereof, setting forth with specificity the nature of the defects found. If the permittee fails to comply with the standards of this Ordinance relating to Outdoor Advertising Devices within thirty (30) days after such notice, such Outdoor Advertising Device may be removed or altered to comply with the provisions of this Ordinance by the Zoning Officer at the expense of the permittee or owner of the property upon which it is located.

516.5 Number of Outdoor Advertising Devices:

516.5.1 As of the date of the enactment of this Amendment to the Warren County Zoning Ordinance, there are twenty (20) Outdoor Advertising Devices with faces or surfaces of three hundred (300) square feet or greater located in the municipalities which are subject to the Warren County Zoning Ordinance, and there are seven (7) such structures located in Warren County municipalities which are not subject to the Warren County Zoning Ordinance.

516.5.2 From and after the effective date of this Amendment, no more than twenty (20) Outdoor Advertising Devices with three hundred (300) square feet of facings or surfaces shall be permitted in municipalities that are subject to this Ordinance. In the event that municipalities in which such Outdoor Advertising Devices currently exist become subject to the Warren County Zoning Ordinance in the future, however, the number of Outdoor Advertising Devices with three hundred (300) square feet of facings or surfaces shall be increased by the number of such Outdoor Advertising Devices existing in any such municipality as of the date it becomes subject to this Ordinance, but in no event shall the total number of such Outdoor Advertising Devices ever exceed twenty-seven (27).

516.5.3 The number limitations set forth in Subparagraph (1) and (2) above shall not apply to Outdoor Advertising Devices with facings or surfaces of ninety-six (96) square feet, and Outdoor Advertising Devices of that size are permitted uses in Business and Industrial Districts as long as they comply with the other provisions of this Zoning Ordinance relating to Outdoor Advertising Devices.

516.5.4 In the event that one of the Outdoor Advertising Devices with a facing or surface of three hundred (300) square feet is moved due to condemnation, the owner of the Outdoor Advertising Device will have a period of one (1) year to rebuild the device after its use has been discontinued. An existing Outdoor Advertising Device may be moved from a restricted zoning area (ACR, R-1, and R-2) to an area zoned Business or Industrial. If the owner does not move or rebuild the Outdoor Advertising Device within that one (1) year period, the number of Outdoor Advertising Devices with three hundred (300) square feet of facings or surfaces permitted under this Ordinance shall be decreased by one (1).

516.6 Outdoor advertising devices are prohibited along all designated scenic byways. The scenic byway overlay zone will apply to any and all roadways so designated.

Section 517 Water run-off from new development

New development must be designed and constructed to prevent water run-off from causing adverse conditions on neighboring properties. This may necessitate the use of eve troughs, downspouts, French drains, etc., to ensure water is diverted into ditches or drains. The property owner, lessee, or other interested parties for any new development may be held liable for damages caused by water run-off.

Section 518 Storage of Vehicles, Race Cars, Machinery, Construction Equipment, Junk, Etc. In all zoning districts, the outdoor storage of vehicles, race cars, machinery, construction equipment, junk, etc., will be limited as described below:

518.1 The outdoor storage of two (2) or more abandoned vehicles in all zoning districts except the “ACR” district shall be limited to a legally established junkyard. More vehicles may be stored on the property, but they must be in a building, carport, or similar structure and not be viewable from the road or neighboring properties. The “ACR” District may have more than two (2), but they must be stored so that they are not viewable from the road or any other property. Covering a vehicle with a tarp does not satisfy this requirement.

518.2 Race cars shall be stored in a building, carport, or similar structure. Servicing or repairs may be accomplished in an enclosed building only. If the car is stored on a trailer for an extended period, the trailer shall also be undercover. "Parts cars" will be considered abandoned vehicles and shall be handled accordingly.

518.3 Machinery and construction equipment that no longer functions shall be removed from the property in all districts except the "ACR" District or a company's equipment yard.

Section 519 Dumpsters/Trash Containers

519.1 Dumpsters and/or trash containers for businesses in all zoning districts will be rodent-proof, have lids, and be screened from view.

ARTICLE VI DEFINITIONS

Section 601 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural, and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," and "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. If there is no like-kind or character in the definitions section, the item may be taken to the Planning and Zoning Commission for clarification (see Section 301.9). Also, the zoning officer shall use definitions found in Federal, State, and Local Ordinances, Statutes, or Laws that may pertain to or have an impact on zoning issues. Such would include, but not be limited to, the Municipalities Planning Code, NFIP, Storm Water, Flood Plain, Pennsylvania State Code, court cases, legal library, etc. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage. Further definitions can be found in Article 11, Floodplain Regulations.

Section 602 Specific Terms

The following words and phrases shall have the meaning given in this section:

Abandoned Vehicles – vehicles that are not licensed and/or inspected as required by the Motor Vehicle Code of Pennsylvania or which are unable to be operated and which have been deserted or for which a certificate of junk has been applied for or issued by the Bureau of Motor Vehicles. The outdoor storage of two (2) or more abandoned vehicles will be limited to a junkyard as authorized by this Ordinance.

Accessory Building - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use. All accessory buildings and structures shall be permitted before being located on the property. Vehicles or any parts thereof cannot be used as accessory buildings, except that semi-trailers may be used for storage in nonresidential districts. Mobile homes, as defined in this ordinance, are considered a primary use and will not be used as an accessory (storage) building.

Accessory Use - a use customarily incidental and subordinate to the principal use or building and located on the same lot occupied by the principal use to which it relates.

Adult Establishment/Entertainment – An establishment having a substantial or significant portion of its stock-in-trade, books, magazines, and other merchandise which are distinguished or characterized by their emphasis on matter depicting, describing, or related to “specific sexual activities” or “specified anatomical areas”; or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment which has live or recorded entertainment as described above.

Agriculture - any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, nursery, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance. Agriculture also includes the home sale of fruits, meats, vegetables, and similar agricultural produce.

Agricultural Services - businesses selling goods or services to a substantial agricultural clientele, including feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Airport – An airstrip/landing strip where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and accommodations for passengers, freight, etc.

Alterations – As applied to a building or structure, means a change or re-arrangement in the structural parts of the existing facilities or an enlargement, whether by extension of a side or by increasing in height or by moving from one location to another.

Apartment Building – a building containing three (3) or more dwelling units.

Automotive Repair – is the repairing, rebuilding, or reconditioning of motor vehicles, engines, or parts thereof, including collision service, painting, and steam cleaning.

Automotive Sales – the sale or rental of new or used motor vehicles or trailers, including automotive maintenance and repair.

Bar or Tavern – an establishment whose main purpose is serving alcoholic beverages.

Basement - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first-floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

Bed and Breakfast - is an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Billboards shall not include those other signs referred to or defined in Article 5 of this ordinance. Billboards shall be limited in size from one hundred (100) square feet to three hundred (300) square feet.

Boarding House - see Rooming House.

Buffer Area - a landscaped area of a certain depth specified by the Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes, or other natural landscaping material which meets the standard of providing a compact, year-round visual screen at least six (6) feet in height; or an existing natural buffer or a combination of natural cover and a constructed barrier which duplicates the effect of the required buffer area.

Building - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure, or protection of persons, goods, materials, or animals.

Building Area – the total of areas taken on a horizontal plane, at the main grade level, of the principal building and all accessory buildings including decks, terraces, etc., and excluding eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending through more than one (1) story and not projecting more than five (5) feet; steps and balconies.

Building or Set-Back Line – is an imaginary line parallel to or concentric with the nearest road right-of-way line or property line. No portion of a building foundation or wall may extend nearer the lot line than the required setback depth.

Business, Service –any business activity that renders service to other commercial or industrial enterprises.

Cabaret – An adult club, restaurant, theater, hall, or similar place which features (either live or recorded) topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

A. Specified anatomical areas

1. Less than completely and opaquely covered

a. Human genitals, pubic region;

b. Buttocks; and

c. Female breast below a point immediately above the top of the areola; and

2. Human male genitals are in a discernibly turgid state, even if completely and opaquely covered.

B. Specified sexual activities.

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse, or sodomy;

3. Foundling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Camp – (or recreational cabin) A structure which is:

1. Utilized principally for recreational activity;
2. Not utilized as a domicile or residence for any individual for any period of time;
3. Not utilized for commercial purposes;
4. Not greater than two stories in height, excluding the basement;
5. Not utilized by the owner or any other person as a place of employment;
6. Not a mailing address for bills and correspondence; and
7. Not listed as an individual's place of residence on a tax return, driver's license, car registration, or voter registration.

Campground - an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Carport – an open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts, except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Car Wash - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

Church – A building or group of buildings including customary accessory buildings designed or intended for religious instruction or public worship. For the purpose of this ordinance, the word church shall include: chapels, cathedrals, temples, and similar designations, as well as parish houses, convents, and such accessory uses.

Club, Lodge, Fraternity, or Sorority – An establishment operated for social, recreational, or educational purposes, but open only to members and their guests and not the general public.

Commercial Recreation - a facility that offers various indoor or outdoor recreational opportunities for its patrons, including such games as pool, billiards, bowling, video games, miniature golf, and similar pursuits.

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

Communications Equipment Building – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 375 square feet.

Communications Tower – A structure other than a building, such as a monopole, self-supporting or guyed tower designed and used to support communications antennas.

Conditional Use - a use to be allowed or denied by the Warren County Board of Commissioners pursuant to the express standards and criteria set forth in this ordinance and the recommendations of the Warren County Planning and Zoning Commission. In allowing a conditional use, the Board of County Commissioners 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 the planning code and this ordinance.

Condominium – a form of property ownership providing for individual ownership of a specific apartment or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners. A condominium is considered permissible under the same standards as a townhouse or garden apartment.

Concentrated Animal Feeding Facility – or factory farming or animal feeding facility is the practice of raising farm animals in confinement at high stocking density.

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

Contractor Yard – A contractor yard is a lot or space used by a construction or trades business for the storage and maintenance of materials, equipment, and vehicles. These are permanent facilities, distinct from temporary storage on a job site, and are used to store items like building materials, heavy equipment, and landscaping supplies. They are also used as a base for maintaining equipment and can include shop or assembly work related to the contractor's trade. i.e., Electrician, Plumber, Builder, Landscaper, or similar trades.

Coverage - the percentage of a lot covered by buildings or structures, measured as gross floor area divided by lot area.

Day Care Services for Adults (Day Care) - provides out-of-home care for part of a 24-hour day, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This ordinance identifies three levels of daycare services for adults, and they are the same requirements as for children.

Day Care Services for Children (Day Care) - provides out-of-home care for part of a 24-hour day for children less than sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This ordinance identifies three levels of daycare services for children:

- a. **Family Day Care Homes** - facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the caregiver.
- b. **Group Day Care Homes** - facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of seven (7) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.]
- c. **Day Care Centers** - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.

Childcare for fewer than four (4) children will not be considered as Day Care Services.

Dog Kennel – any premises where four (4) or more dogs, ten (10) weeks in age or older, are raised, bred, trained, or boarded.

Dog Park- A **dog park** is an area reserved for **dogs** to exercise and play off-leash in a controlled environment under the supervision of their owners.

Drive-In Restaurant – a commercial establishment where food and beverages are sold for consumption on the premises but not necessarily within a building.

Dwelling - a building arranged, intended, designed, or used as the living quarters for one (1) or more families living independently of each other on the premises. Dwellings

include traditional “stick-built” structures as well as manufactured units such as double-wide and modular homes. The term "dwelling" shall not be deemed to include "hotel," or "motel."

- a. **Single-family dwelling** - a building containing only one (1) dwelling unit.
- b. **Two-family dwelling** - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
- c. **Multi-family dwelling** - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
- d. **Detached dwelling** - a dwelling with yards on all four (4) sides.

Dwelling Unit - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

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, 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 or communication towers and communication antennas as defined herein.

Exotic Animals - Pennsylvania requires the "owner" of an exotic animal to obtain a license or permit or to register the animal with state or local authorities to privately possess the animal. No person may keep exotic wildlife without first receiving a permit from the wildlife commission. Exotic wildlife includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, and any crossbreed of these animals, which have similar characteristics in appearance or features. In Warren County, the animal must be registered with the Warren County Humane Society, the local Township, and the local EMS/Fire Department.

Family - an individual, or two (2) or more persons related by blood, marriage, adoption, or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) 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, Assisted Living Facility, or Nursing Home, as defined herein, or any

other supervised group living arrangement for persons other than those protected by the Fair Housing Act.

Farm – any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary accessory structures within the prescribed limits and the storage of equipment used. It includes the raising of fur-bearing animals, riding academies, and livery or boarding stables. (See 401.34)

Farm Equipment Sales and Service - businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Farm, Hobby – any parcel of land which is used primarily for the enjoyment of raising agricultural products, livestock, and poultry. It includes necessary accessory structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels. (See 401.34)

Floor Area - the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or the center line of the walls separating two (2) buildings.

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

Garage, Private - an enclosed area for the storage of one (1) or more motor vehicles and other personal property owned and used by the residents of the dwelling to which the garage is an accessory structure in which no business is conducted except for home occupations.

Gasoline Service Station – Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as:

1. spray painting;
2. body, fender, clutch, transmission, differential, axle, spring, and frame repairs;
3. major overhauling of engines, including removal of cylinder-head or crankcase pan;
4. repairs of radiator or removal thereof;

Golf Course - land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, pitch and putt, and similar golf-associated activities except as accessory uses on a golf course.

Gross Floor Area (GFA) - the total enclosed area in the horizontal floor plan of a structure, measured from the faces of the exterior walls.

Halfway House - a transitional residential facility licensed and operated by a government or social service agency that provides a supervised environment to residents who require psychiatric, correctional, or behavioral treatment between periods of institutional and independent living.

Height of Building - the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Height of a Communication Tower – The vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

Home Occupation - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting, or engineering, barber and beauty shops, studios of artists, writers, and associations. (See Professional Office)

Hospital - an institution providing health services primarily for human in-patients and is duly licensed as such by the Commonwealth of Pennsylvania.

Industrial/Commercial Sandblasting & Painting Services - A two-part process used to prepare and protect surfaces of vehicles, pipes, parts, equipment, and other materials. **Sandblasting** is the high-pressure propulsion of abrasive materials, not necessarily limited to sand or silicon compounds, by compressed air or other gases against a surface to clean it and create an optimal texture for coating adhesion. **Painting** is the application of specialized paints or coatings to these prepared surfaces.

Junk - any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for prompt disposal. For this ordinance, a proper container shall mean a solid plastic or metal container with a sealable lid, specifically designed for the storage of waste matter.

Junk Yard - any area and/or structure used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling,

storage, and salvaging of machinery or vehicles primarily not in running condition, and for the sale of parts thereof.

Lighting – as defined below:

Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.

Direct or Flood: That form of lighting wherein the source is visible, and the light is distributed directly from it to the object to be illuminated.

Indirect: That form of lighting wherein the light source is entirely hidden, the light is projected to a suitable reflector from which it is reflected onto the object to be illuminated.

Limited Retail Business - small-scale retail enterprises intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by a smaller size [less than three thousand (3,000) square feet Gross Floor Area] and confining all commercial activities indoors. Limited retail businesses that serve food (and don't have indoor seating) may have outside seating.

Lot - a tract or parcel of land occupied or capable of being occupied by one principal building or other structure or use, together with any accessory buildings, including such open spaces as are arranged, designed, or required, and which is developed as a single entity under the terms of this ordinance. The term "lot" shall also mean "parcel," "plot," "site," or a similar term.

Lot Area - area of a lot or site shall be calculated from dimensions derived from horizontal projections of the site.

Lot, Corner - a lot at the point of intersection of and abutting two (2) or more intersecting streets. A corner lot shall be required to provide a front yard along each street frontage and two (2) side yards. No rear yard shall be required on corner lots.

Lot Line – a line forming the front, rear, or side of a lot as described in the recorded title. Any lot line which abuts a street or other public way shall be measured from the right-of-way.

Front Lot Line – the front lot line shall be the street right-of-way line and shall not be the center line of the street or any other line within the street line, even though such may be the property boundary line.

Side Lot Line – a line extending from the front lot line (street right-of-way) to the rear property line of the lot.

Rear Lot Line – a line that defines the rear of the lot or property and is generally opposite and parallel to the front lot line. The rear lot line of an irregular or

triangular lot shall be a line entirely within the lot and at least ten (10) feet in length.

Lumber Yard – a place where lumber is kept for sale.

Manufacturing, Light - the assembly, fabrication, manufacture, production, processing, storage, and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats or hides). All other manufacturing uses shall go before the Zoning Hearing Board for approval.

Medical Clinic – A medical clinic would cover the uses between a (single doctor) doctor’s office and a hospital. Medical clinics are limited in size and scope and do not offer the full services of a hospital. Quite often, medical clinics will specialize in a specific field such as sight, mental therapy, physical therapy, etc.

Mini-Storage Facilities, a/k/a Self-Storage Units - a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

Mobile Home or Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park model trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. **Mobile homes are for dwelling purposes only and shall not be used as an accessory structure or storage shed.**

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots. Mobile home parks must be established in accordance with the Warren County Subdivision and Land Development Ordinance (SALDO). In the “ACR” District, where two dwellings are allowed on a parcel, the third mobile home will trigger the subdivision ordinance requirements for a mobile home park and not just a minor subdivision.

Modular Homes – modular and other industrial houses are built in a factory and are transported to the site for placement and assembly. Modular and other industrial types of housing are designed only for erection or installation on a permanent foundation, and

they are not designed to be moved once erected or installed. For zoning purposes, modular or industrialized housing should be treated as a conventionally built home.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges, and similar uses.

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

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of business use, including, but not limited to, parking, signs, or lights.
- e. The business activity must not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. 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.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the total area of the first floor of the principal structure.

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this ordinance or an amendment hereafter enacted, where such structure lawfully existed 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. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment 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 - a facility to give long-term skilled care to geriatric or handicapped patients, and is licensed as such a facility by the Commonwealth of Pennsylvania.

Oil Field Service Yard - A secure, designated land area used for the staging, storage, maintenance, and repair of the equipment, vehicles, and materials utilized by companies providing specialized services to the oil and gas industry. i.e. Trucks, Trailers, Drilling Rigs, pipe, pump jacks, etc.

Outdoor Advertising Device – Any outdoor device, structure, display, poster, billboard, or other thing that is designed, intended, or used to advertise or convey information concerning goods, services, businesses, or any other fact or thing located off the premises where the outdoor advertising device is located. Outdoor Advertising Devices shall not include those signs referred to or defined in Section 509 of this Ordinance.

Illuminated Outdoor Advertising Device – Any outdoor advertising device which has characters, letters, figures, designs, or an outline illuminated by electric lights, LED lights, or luminous tubes as a part of the sign proper.

Facing or Surface – The surface of the outdoor advertising device upon, against, or through which the message or information is displayed or illustrated on the outdoor advertising device.

Parking Space - an open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet.

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 four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

Personal Services - any enterprise conducted by a person(s) who primarily offers services to the general public, such as shoe repair, valet service, watch repair, barber shop, beauty parlor, and related activities.

Personal Storage Building – a non-residential structure placed on vacant land that is used solely by the lot owner for the storage of vehicles, equipment, or other materials owned by the lot owner. Such structure shall be principal to the lot and shall be limited to a maximum of five hundred (500) square feet. The structure shall have no water under pressure or utilities attached, other than electric service, and cannot be used for residential purposes unless the owner obtains all applicable local and/or state permits.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Professional Office - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.

Public Parks and Playgrounds – are parks and playgrounds which are owned and operated by a governmental agency.

Public Utility Transmission Tower – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Recreational Vehicles (including Park Models) – for the purposes of this ordinance, a Recreational Vehicle, either motorized or towed, is designed to provide temporary accommodation for recreational, camping, or seasonal use only and shall never be utilized as a permanent or temporary dwelling. Park Model Homes or other structures certified to meet ANSI A119.5 (Standard for Park Model Recreational Vehicles) will not be more than 400 sq ft. RVs will have permanently mounted lights and be registered through the DMV. Recreational vehicles cannot be considered a mobile home or manufactured housing. Recreational vehicles may be parked and or stored on the owner’s lot in all zoning districts without requiring zoning permits. Recreational Vehicles that no longer have a current inspection or registration as required by the PA Vehicle Code shall be considered an abandoned vehicle per Section 518 of the Warren County Zoning Ordinance. Recreational vehicles cannot be used as storage sheds.

(a) **Temporary accommodation** - Any Recreational Vehicle (RV) used for human shelter and designed to be transportable and not attached to the ground, to another structure, or to any utilities (excluding electric) system on the same premises. **Such temporary housing may occur for no more than one hundred-eighty (180) days in any calendar year.**

(b) **Recreational, Camping, or Seasonal Use** – activities affording relaxation and enjoyment by means of a temporary accommodation, irregular use, and a limited time frame.

Repair/Service Business (see also Service Station) - a building designed and used for the storage, care, repair, or refinishing of motor vehicles or engines, including both minor and major mechanical overhauling, paint, and bodywork.

Restaurants – a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Rooming House – a dwelling having three (3) or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house." A "boarding house" includes meals for its tenants.

Sandblasting & Painting Services – see *Industrial/Commercial Sandblasting & Painting Services*

Sanitary Landfill – is a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Screen Planting - screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at the time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1) or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting and replacing trees as needed. The Zoning Officer may require the replacement of screening trees.

Screening - screening shall mean a fence, screen planting, or wall at least six (6) feet high, provided in such a way that it will block a line of sight (see buffer area).

Self-Storage Facilities (see Mini-Storage Facilities)

Setback- The distance any structure must be located as measured from a municipal right-of-way or property line. The proposed SETBACK is subject to the minimum requirements of the Zoning District in which the project is taking place. Any proposed setback not meeting the minimum requirement would require a variance as approved by the Zoning Hearing Board.

Shopping Center - a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services, and eating and drinking places, but planned, constructed, managed, or promoted as an integral whole.

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for the announcement, direction, advertisement, or identification. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city, or other political units,

public traffic or directional signs, nor religious or devotional displays. (See also Billboard.)

The "area of a sign" shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle that can be drawn to encompass all of the letters and symbols.

Sign, Business - a sign that directs attention to a business, profession, or industry conducted on the premises or to products sold, manufactured, or assembled upon the same premises upon which it is displayed.

Small Engine/Lawnmower Repair – is the repairing, rebuilding, or reconditioning of lawn equipment and the motors/engines or parts thereof.

Special Exception - a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Story - that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor, the space between any floor and the ceiling next above it shall be considered a story.

Street - a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, and road or similar terms.

Street Line – a line defining the right-of-way boundaries of a street.

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Triplex - see "Dwelling."

Truck Terminal - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Veterinary Clinic/Hospital - a facility used for the treatment of domestic animals for pay, with health treatment provided by a licensed veterinarian.

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured products, 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.

Yard - that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to the setback line.

Zoning Officer - the Zoning Officer of the County of Warren, or his/her authorized representative.

ARTICLE VII
HEARINGS OF THE BOARD OF COUNTY COMMISSIONERS

Section 701 Hearings of the Board of County Commissioners

Under Article IX of the Pennsylvania Municipalities Planning Code, the Board of County Commissioners has jurisdiction over the following matters, which pertain to this ordinance.

701.1 Conditional uses.

701.2 Substantive questions of ordinance validity through the filing of a curative amendment.

701.3 Planned Residential Development.

701.4 Amendments to this ordinance either to its text or to the zoning map.

701.5 Appeals from certain actions of the zoning officer or county engineer relative to items specified in Section 909.1 of the Pennsylvania Municipalities Planning Code.

Section 702 Conditional Uses

Certain uses, as specified by this ordinance, are conditional uses to be granted or denied by the Board of County Commissioners. The Warren County Planning Commission is to advise the Board of Commissioners relative to conditional uses. In general, the board is to be governed by the specific criteria set forth by this ordinance, the general intent of the ordinance, the welfare of the community, and the recommendations of the Warren County Planning Commission in rendering its decision. The board may attach reasonable conditions to its decision. Specific procedures for board action follow:

702.1 Where the board, in the zoning ordinance, has stated conditional uses to be granted or denied by the board pursuant to express standards and criteria, the board shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the board, or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board. However, the appellant or the applicant, as the case may be, in addition to the county, may, before the decision of the hearing, waive the decision or findings by the board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.

702.2 The board shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the board. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the planning code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

702.3 Where the board fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed 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 herein above provided, the board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the board shall fail to provide such notice, the applicant may do so.

702.4 Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

Section 703 Substantive Challenges, Curative Amendments

These issues shall be handled in accordance with Articles VI and IX of the Planning Code in general.

703.1 Procedure for Landowner Curative Amendments:

703.1.1 A landowner who desires to challenge on substantive grounds the validity of this zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of County Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the planning code. The board shall commence a hearing thereon within sixty (60) days of the request as provided in Section 916.1. The curative amendment and challenge shall be referred to the Warren County Planning and Zoning Commission and notice of the hearing thereon shall be given as provided in Section 610 and Section 916.1 of the planning code.

703.1.2 The hearing shall be conducted in accordance with Section 908 of the planning code, and all references therein to the Zoning Hearing Board shall, for purposes of this section, be references to the board provided, however, that the deemed approval provisions of Section 908 shall not apply and the provisions of

Section 916.1 shall control. If the county does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

703.1.3 If the Board of County Commissioners determines that the validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The board shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall also consider:

703.1.3.1 The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;

703.1.3.2 If the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

703.1.3.3 The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features;

703.1.3.4 The impact of the proposed use on the site's soils, slopes, woodlands, wetland, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and

703.1.3.5 The impacts of the proposal on the preservation of agriculture and other land uses are essential to public health and welfare.

703.2 Procedure for Municipal Curative Amendments

If the county determines that its zoning ordinance or any portion thereof is substantially invalid, it shall take the following actions:

703.2.1 The Board of Commissioners shall declare by formal action its zoning ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the board shall:

703.2.1.1 By resolution, make specific findings setting forth the declared invalidity of the zoning ordinance, which may include:

703.2.1.1.1 References to specific uses which are either not permitted or not permitted in sufficient quantity;

703.2.1.1.2 Reference to a class of use or uses that require revision; or

703.2.1.1.3 Reference to the entire ordinance, which requires revisions.

703.2.1.2 Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.

703.2.2 Within one hundred eighty (180) days from the date of the declaration and proposal, the county shall enact a curative amendment to validate or reaffirm the validity of its zoning ordinance pursuant to the provisions required by Section 609 in order to cure the declared invalidity of the Zoning Ordinance.

703.2.3 Upon the initiation of the procedures, as set forth in clause (A), the Board of Commissioners shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the planning code nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the planning code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause (A)(1). Upon completion of the procedures as set forth in clauses (A) and (B), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the planning code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended zoning ordinance for which there has been a curative amendment pursuant to this section.

703.2.4 If the county utilizes the procedures as set forth in clauses (A) and (B), it may not again utilize the said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this zoning ordinance, pursuant to clause (B); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the county by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the county may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

Section 704 Amendments (Please refer to Article 10 of this Ordinance)

Section 705 Other Appeals

For the subject matter and processing of other appeals, the county will be governed by Article IX of the planning code in general and Section 909.1 therein in particular.

**ARTICLE VIII
ZONING HEARING BOARD**

Section 801 Creation

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of five (5) residents of Warren County appointed by the Board of Commissioners pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

Section 802 Appointment

The terms of office of the Board shall be five (5) 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 Board of Commissions of any vacancies that 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 County, nor be a member of the Planning Commission. The Board of Commissioners may also appoint up to three (3) alternate members. The appointment, terms, rights, and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

Section 803 Removal of Members

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office, or other just cause, by a majority vote of the Board of Commissioners, taken after the member has received fifteen (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 requests it in writing.

Section 804 Organization of Board

The Board shall elect from its 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 members are disqualified to act in a particular matter or are absent, and a quorum is not available, an alternate member shall be seated. The use and selection of alternates shall be consistent with Section 906 of the Planning Code. The Board may appoint a Hearing Officer from its membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter, and rescind rules and forms for its procedure, consistent with County 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 Board of Commissioners as requested.

Section 805 Expenditures for Services

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

Section 806 Legal Counsel

Where legal counsel is desired, an attorney, other than the County Solicitor, shall be used.

Section 807 Hearings

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

807.1 Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made a timely request for the same. Written notices shall be prescribed by the rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

807.2 The Board of Commissioners may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

807.3 The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or

consent of the record by the applicant and County, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

807.4 The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney 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 the decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

807.5 The parties to the hearing shall be the County, any person affected by the application who has made a timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have the 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.

807.6 The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have the 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.

807.7 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.

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

807.9 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 shared equally by the applicant and the Board. 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, and 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.

807.10 The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; 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 his representative unless all parties are given an opportunity to be present.

807.11 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 forty-five (45) days after the last hearing before the Board or Hearing Officer. Where an 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 Ordinance 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 deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to a final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed 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 herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

807.12 A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. 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.

Section 808 Board's Functions

The Board shall have exclusive jurisdiction for the following:

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

808.2 Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the County and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

808.3 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.

808.4 Appeals from a determination by the County Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

808.5 Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(8) of this Ordinance.

808.6 Appeals from the Zoning Officer's determination under Section 909.1 (a) (3) of the Planning Code.

808.7 Appeals from the determination of the Zoning Officer or County Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.

808.8 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 a 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:

808.8.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

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

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

808.8.4 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 an adjacent property, nor be detrimental to the public welfare; and

808.8.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

808.9 Special Exceptions – a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Section 809 Parties Appellant before Board

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the County, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of the landowner.

Section 810 Appeals of the Zoning Officer's Determination

Any person aggrieved by any action or decision of the zoning officer concerning the administration of the provisions of this Ordinance may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the zoning officer. Upon receipt of such appeal, the Zoning Hearing Board shall set a time and place, within sixty (60) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth.

Section 811 Time Limitations; Persons Aggrieved

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate County officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such a person has succeeded in his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

Section 812 Stay of Proceedings

Upon the filing of any proceeding referred to in Section 808 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 there under 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 the petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

**ARTICLE IX
ADMINISTRATION, ENFORCEMENT, AND APPEALS**

Section 901 Zoning Officer

Warren County shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Officer shall not hold any elective office in the County.

Section 902 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 Officer shall be considered qualified to perform his/her duties by meeting the qualifications established by Warren County. In addition, the Zoning Officer's duties, obligations, and responsibilities include the following:

902.1 Application for Zoning Permits: The Zoning Officer shall receive applications for Zoning Permits and/or Certificate of Occupancy. A Zoning Permit is an application filed before the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable ordinances. Applications conforming to such ordinances shall be approved and those not conforming to such ordinances shall be denied.

902.1.1 Sewage Permit – required for any dwelling unit or a building that has water under pressure.

902.1.2 Storm Water Certification – for all construction to determine total impervious surfaces.

902.1.3 Driveway Permit – for all new driveways.

902.1.4 DEP Permit – for stream encroachment.

902.1.5 Conservation District Permit – NPDES and erosion control.

902.1.6 LERTA Application – for designated areas in the county.

902.1.7 Certificate of Elevation – required for all new dwellings located in the flood plain.

902.1.8 Certificate of Compliance – must be in compliance with all other ordinances.

902.2 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 Zoning

Permit or a Zoning Certificate has been requested. Such inspections may be before, during, and after construction and shall be made upon the termination of construction and before the issuance of a Certificate of Occupancy.

902.3 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, Special Exceptions, and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.

902.4 Enforcement: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

Section 903 Permits and Certificates

903.1 Zoning Permits: An application for a Zoning Permit will show compliance with this and other appropriate ordinances. 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 the County.

903.2 Certificate of Occupancy: A Certificate of Occupancy shall be required before the occupancy or use of any vacant land or before 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 Zoning Permit Application has been completed in compliance with the application and this Ordinance. Certificates of Occupancy shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. Said applications shall be on forms as approved by the County, as appropriate, and shall be accompanied by a fee as set by the Board of Commissioners. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of Appeals, Special Exceptions, and Variances shall be within such time limits as specified by the Pennsylvania Municipalities Planning Code. The filing of Conditional Uses shall follow procedures set forth by the Board of Commissioners.

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

903.4 Sign Permit: A sign permit shall be required before the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 509 of this Ordinance.

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

903.4.2 No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after a written order from the Zoning Hearing Board or the courts.

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

903.4.3.1 Dimensions of lot or building upon which the sign is proposed to be erected.

903.4.3.2 Exact size, dimensions, and location of the said sign on the lot or building.

903.4.3.3 Any other lawful information which may be required by the Zoning Officer.

903.5 No structure shall be erected or altered unless a zoning permit has been issued for it by the County Zoning Officer. However, no permit shall be required when remodeling an existing structure if the structure is not increased in height or size. Enclosing a porch shall be considered to be an increase in the floor area of the dwelling and shall require a permit. Also, going from a 1-1/2-story dwelling to a full 2-story dwelling shall be considered an increase in the floor area and shall require a permit.

903.6 In “B”, “BT”, and “I” Districts, when one nonresidential use is changed to another nonresidential use, a zoning permit (change of use permit) shall be required even when no structural alterations are made to determine continued compliance with the requirements of this Ordinance, particularly off-street parking.

903.7 Except upon written order of the Zoning Hearing Board, no zoning permit shall be issued for any structure, alteration, or use that would not comply with any of the provisions of this Ordinance.

903.8 Duration of Permits. If the use or construction authorized by a zoning permit is not completed within twelve (12) months from the date of issuance of the zoning permit, the zoning permit shall expire automatically without written notice to the applicant, unless the applicant requests an extension in writing before the expiration of the permit. If the County Zoning Officer determines that the delay in completing the use or construction is due to reasonable cause and not due to the applicant’s negligence, the permit may be extended for a reasonable period not to exceed twelve (12) months.

903.9 Revocation of Permits. A zoning permit for any structure or use shall be revoked and withdrawn by the County Zoning Officer if the holder of such permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit. Upon revocation of a permit, the holder may also be subject to the penalties for a violation specified in Section 904 of this ordinance.

903.10 Coordination with Municipalities.

903.10.1 The legislative body and the planning agency of any municipality located within the area of the county that falls under the jurisdiction of this Ordinance shall be notified in writing of any contemplated action within their municipality by:

903.10.1.1 The County Commissioners in amending this Ordinance or Map under the provisions of Article X;

903.10.1.2 The Zoning Hearing Board in any action authorized by this Ordinance;

903.10.1.3 The County Planning Commission in any action authorized by this Ordinance.

903.10.2 Such notification shall be made by the County Zoning Officer to the legislative body and its respective planning agency at least ten (10) days before the scheduled meeting date of the County body contemplating such action.

Section 904 Violations

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

904.1.1 The name of the owner of record and any other person against whom the County intends to take action.

904.1.2 The location of the property in violation.

904.1.3 The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.

904.1.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

904.1.5 That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.

904.1.6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

904.2 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, and any amendment thereto or prior enabling laws, the County, the Zoning Officer of the County, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or 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, a notice of that action shall be served upon the County at least thirty (30) days before the time the action is begun by serving a copy of the complaint on the Board of County Commissioners of Warren County. No such action may be maintained until such notice has been given.

904.3 Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 904.4.

904.4 Enforcement Remedies: Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the County 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 County 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 continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the County. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the County and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

Section 905 Appeals

905.1 Any person aggrieved by any action or determination of the zoning officer concerning the administration of the provisions of this Ordinance, including, but not limited to, the granting or denial of any permit, or failure to act on the application, therefore, the issuance of any cease or desist order or the registration or refusal to register any nonconforming use, structure or lot, may appeal to the Zoning Hearing Board.

905.2 Such appeal must be filed, in writing, within thirty (30) days after the determination or action of the zoning officer. Upon receipt of such appeal, the Zoning Hearing Board shall set a time and place, within sixty (60) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

905.3 Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth.

ARTICLE X AMENDMENTS

Section 1001 General

The Board of County Commissioners may introduce and/or consider amendments to this Ordinance and the Zoning Map, as proposed by a member of the Board of Commissioners, the Warren County Planning and Zoning Commission, or by a petition of a person or persons residing or owning property within the County.

Section 1002 Petitions

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Board of Commissioners.

Section 1003 Referral

Any proposed amendment presented to the Board of Commissioners without written findings and recommendations from the Warren County Planning and Zoning Commission shall be referred to that agency for their review and recommendations before the public hearing by the Board of Commissioners. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the County Planning and Zoning Commission.

Section 1004 Action

Before acting upon a proposed amendment, the Board of Commissioners 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 of the same may be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, a notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week before the date of the hearing.

Section 1005 Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Board of Commissioners shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the Warren County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Commissioners. Public notice shall be given in accordance with the applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions, and considerations of the Board of Commissioners shall be in accordance with Section 609.1 of the Planning Code. The County may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

**ARTICLE XI
FLOODPLAIN REGULATIONS**

STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, Warren County does hereby order as follows

Section 1100 Intent

The intent of this ordinance is to promote the general health, welfare, and safety of the community and:

1100.1 To prevent the loss of property and life,

1100.2 To prevent the creation of health and safety hazards,

1100.3 To prevent the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and

1100.4 To prevent the impairment of the tax base by:

1100.4.1 Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

1100.4.2 Restricting or prohibiting certain uses, activities, and development from locations within the areas subject to flooding.

1100.4.3 Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.

1100.4.4 Protecting individuals from buying lands and structures that are unsuited for intended purposes because of flood hazards.

1100.4.5 Complying with federal and state floodplain management requirements.

Section 1101 Applicability

1101.1 It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the jurisdiction of the County unless a zoning permit has been obtained from the Zoning Officer.

1101.2 These provisions shall apply to all lands within the jurisdiction of the Warren County Zoning Ordinance, which are located within a Floodplain Area.

1101.3 The Zoning Officer is hereby appointed to administer and enforce this ordinance as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 1102 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified Floodplain Areas or that land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not create liability on the part of Warren County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 1103 Identification

The Floodplain Area shall be any areas within Warren County subject to the base flood, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the most current accompanying Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) dated march 21, 2017 or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study as issued by the Federal Emergency Management Agency (FEMA) for the following municipalities: the above referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by *Warren County* and declared to be a part of this ordinance.

Section 1104 Overlay Concept

1104.1 The Floodplain Area shall be considered an overlay to the existing underlying districts as shown on the Official Zoning Ordinance Map, and, as such, the provisions for the Floodplain Area shall serve as a supplement to the underlying district provisions.

1104.2 Where there happens to be any conflict between the provisions or requirements of the Floodplain Areas and those of any underlying districts, the more restrictive provisions shall apply.

Section 1105 Determination of the Base Flood Elevation

1105.1 For those floodplain areas identified as Zone AE, the flood elevations shown on the applicable flood profiles contained in the Flood Insurance Study (FIS) booklets shall be used to determine the base flood elevation for all proposed construction and development therein.

1105.1.1 The identified floodplain area shall consist of the following specific areas:

1105.1.1.1 FW (Floodway Area) – the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

1105.1.1.2 AE (Flood-Fringe Area) – the remaining portions of the base floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

1105.1.1.3 AE without Floodway (Special Floodplain Area) – the areas identified as Zone AE in the Flood Insurance Study, where base flood elevations have been provided, but no floodway has been delineated.

1105.1.1.4 A Area (General Floodplain Area) – the areas identified as Zone A in the FIS for which no base flood elevations have been provided.

1105.2 For those floodplain areas identified as Zone A, the elevation at a given point on the boundary of the floodplain area, which is nearest the proposed construction or development site in question, may be used to determine the base flood elevation. However, when elevation information is available for other federal, state, or other acceptable sources, such as the following, then this information shall be used to determine the base flood elevation:

1105.2.1 Corps or Engineers – Flood Plain Information Reports

1105.2.2 U.S. Geological Survey – Flood Prone Quadrangles

1105.2.3 U.S. D.A. National Resources Conservation Service – County Soil Surveys (Alluvial Soils) or P. L. 566 Flood Information

1105.2.4 Pennsylvania Department of Environmental Resources – Flood Control Investigations

1105.2.5 Known high water marks from past floods

1105.2.6 Other sources

1105.3 In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical concepts, studies, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the County.

1105.4 The floodplain area may be revised or modified by an amendment to the official Zoning Map where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

1105.6 Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

Section 1106 Issuance of a Zoning Permit

1106.1 The Zoning Officer shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

1106.2 Prior to the issuance of a permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and 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. No permit shall be issued until this determination has been made.

1106.3 No encroachment, alterations or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the County, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

1106.4 No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

1106.5 In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development, Strategic Planning and Operations Office, shall be notified by the County prior to any alteration or relocation of any watercourse.

Section 1107 Application Procedures

1107.1 Applications for such a zoning permit shall be made, in writing, to the zoning officer on supplied forms. Such an application shall contain the following:

1107.1.1 Name and address of applicant.

1107.1.2 Name and address of owner of land on which proposed construction is to occur.

1107.1.3 Name and address of contractor.

1107.1.4 Site location including address.

1107.1.5 Listing of other permits required.

1107.1.6 Brief description of proposed work and estimated cost; and

1107.1.7 A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.

1107.2 If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the zoning officer to determine that:

1107.2.1 All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;

1107.2.2 All utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;

1107.2.3 Adequate drainage is provided so as to reduce exposure to flood hazards;

1107.2.4 Structures will be anchored to prevent floatation, collapse, or lateral movement;

1107.2.5 Building materials are flood-resistant;

1107.2.6 Appropriate practices that minimize flood damage have been used; and

1107.2.7 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

1107.3 Applicants shall file the following minimum information plus any other pertinent information as may be required by the zoning officer to make the determinations required by Section 1106.1;

1107.3.1 A completed permit application form.

1107.3.2 A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:

1107.3.2.1 North arrow, scale, and dates;

1107.3.2.2 Topographic contour lines, if available;

1107.3.2.3 All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

1107.3.2.4 The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivisions and land development;

1107.3.2.5 The location of all existing streets, drives, and other access ways; and

1107.3.2.6 The location of any existing bodies of water, watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.

1107.3.3 Plans of all proposed buildings, structures, and other improvements, drawn at a suitable scale showing the following:

1107.3.3.1 The proposed lowest floor elevation of a proposed building based upon the North American Vertical Datum of 1988;

1107.3.3.2 The elevation of the base flood;

1107.3.3.3 If available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood; and

1107.3.3.4 Detailed information concerning any proposed flood-proofing measures.

1107.3.4 The following data and documentation:

1107.3.4.1 A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the base flood elevations,

pressures, velocities, impact, and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or development.

1107.3.4.2 Detailed information needed to determine compliance with Section 1119.6, Storage, and Section 1120, Development Which May Endanger Human Life, including:

1107.3.4.2.1 The amount, location, and purpose of any materials or substances referred to in Section 1119.6 and 1120 which are intended to be used, produced, stored, or otherwise maintained on site.

1107.3.4.2.2 A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 1120 during a base flood.

1107.3.4.3 The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

1107.3.4.4 Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection is to be implemented to maintain erosion and sedimentation control.

Section 1108 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any floodplain to be considered for approval shall be submitted by the zoning officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the zoning officer for possible incorporation into the proposed plan.

Section 1109 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any floodplain area to be considered for approval may be submitted by the zoning officer to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineers, etc.) for review and comment.

Section 1110 Changes

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

Section 1111 Placards

The zoning officer shall issue a placard, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance, and be signed by the zoning officer.

Section 1112 Start of Construction

Work on the proposed construction or development shall begin within six (6) months after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit, or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request, and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

Section 1113 Inspection and Revocation

1113.1 During the construction period, the zoning officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

1113.2 In the discharge of his duties, the zoning officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

1113.3 In the event the zoning officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the zoning officer shall revoke the building permit and report such fact to the (Board, Council, etc.) for whatever action it considers necessary.

1113.4 The Zoning Officer shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance, including, but not limited to, finished construction elevation data, permitting, inspection, and enforcement.

1113.5 The requirements of the 34 PA Code Chapters 401-405 and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2009 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

Section 1114 Enforcement

1114.1 Notices. Whenever the zoning officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the zoning officer shall give notice of such alleged violation as hereinafter provided. Such notice shall

1114.1.1 be in writing;

1114.1.2 include a statement of the reasons for its issuance;

1114.1.3 allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;

1114.1.4 be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;

1114.1.5 contains an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

1114.2 Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the zoning officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to (Township, Borough, etc.) of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any

development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the (Board, Council, etc.) to be a public nuisance and abatable as such.

Section 1115 Appeals

1115.1 Any person aggrieved by any action or decision of the zoning officer concerning the administration of the provisions of this Ordinance may appeal to the Court of Common Pleas. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the zoning officer.

1115.2 Upon receipt of such appeal Court of Common Pleas shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.

1115.3 Any person aggrieved by any decision of the Court of Common Pleas may seek relief therefrom by appeal to the court, as provided by the laws of this Commonwealth, including the Pennsylvania Flood Plain Management Act.

Section 1116 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant

Section 1117 Special Requirements for Recreational Vehicles

A. Recreational vehicles in Zones A, A1-30, AH, and AE must:

1. be on the site for fewer than 180 consecutive days, and
2. be fully licensed and ready for highway use.

Section 1118 General Technical Requirements

1118.1 Within any floodplain area, the development and/or use of any land shall be permitted, provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the municipality.

1118.2 Within any floodplain area, no new construction or development shall be located within any identified floodway area or, in the absence of an identified floodway, within the area measured fifty (50) feet landward from the top of the bank or any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.

1118.3 Within any floodplain area, the elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be one and one-half (1-½) feet or more above the base flood elevation. The design and construction standards and specifications contained in the 2009 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2009 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

1118.4 Within any floodplain area, the elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall be one and one half (1-½) feet or more above the base flood elevation or be flood-proofed so that the space located below this elevation is designed and constructed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect, which states that the proposed design and methods or construction are in conformance with the above referenced standards. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Sec. 2.4 Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

1118.5 When a floodway area is identified by either the Federal Emergency Management Agency (FEMA) or by other federal, state or other acceptable sources, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

1118.6 In the absence of an identified floodway area within any floodplain area identified as an AE Zone, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the entire community during the occurrence of the base flood discharge.

1118.7 Fully enclosed space below the lowest floor (including basement) is prohibited.

1118.8 Within any floodplain area, partially enclosed areas below the lowest floor that are useable for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1118.8.1 A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

1118.8.2 The bottom of all openings shall be no higher than one foot above grade.

1118.8.3 Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

1118.9 Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2009 IRC (Secs.R323.2.2 and R323.1.4) and the 2009 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3)

1118.10 Accessory structures. Structures accessory to a principal building need not be elevated or flood-proofed to remain dry, but shall comply, at a minimum, with the following requirements:

1118.10.1 The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

1118.10.2 Floor area shall not exceed 200 square feet. For accessory structures that are 200 square feet or larger in area (footprint) and **that are below the base flood elevation**, a variance is required as set forth in Section 1125. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

1118.10.3 The structure will have a low damage potential.

1118.10.4 The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

1118.10.5 Power lines, wiring, and outlets will be at least one and one-half (1 1/2) feet above the base flood elevation.

1118.10.6 Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

1118.10.7 Sanitary facilities are prohibited.

1118.10.8 The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

1118.10.8.1 Minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

1118.10.8.2 The bottom of all openings shall be no higher than one (1) foot above grade.

1118.10.8.3 Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 1119 Design and Construction Standards

The following minimum standards shall apply to all construction and development proposed within any floodplain area:

1119.1 Fill: If fill is used, it shall:

1119.1.1 Extend laterally at least fifteen (15) feet beyond the building line at all points;

1119.1.2 Consist of soil or small rock material only – Sanitary Landfills shall not be permitted;

1119.1.3 Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

1119.1.4 Be no steeper than one (1) vertical to two (2) horizontal, unless substantial data, justifying steeper slopes, are submitted to, and approved by the zoning officer; and

1119.1.5 Be used to the extent to which it does not adversely affect adjacent properties.

1119.2 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

1119.3 Water and Sanitary Sewer Facilities

1119.3.1 All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damage and the infiltration of flood waters.

1119.3.2 Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

1119.3.3 No part of any on-site sewage system shall be located within any floodplain area, except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.

1119.3.4 The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2009 IBC (Appendix G. Secs. 401.3 and 401.4), the 2009 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

1119.4 Other Utilities

All other utilities, such as gas lines, electrical, and telephone systems, shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.

1119.5 Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Floor Elevation.

1119.6 Storage

All materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life and not listed in Section 1120, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

1119.7 Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

1119.8 Anchoring

1119.8.1 All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

1119.8.2 All air ducts, large pipes, storage tanks, or other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

1119.8.3 The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2009 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.

1119.9 Floors, Walls, and Ceilings

1119.9.1 Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

1119.9.2 Plywood used at or below the Regulatory Flood Elevation shall be a “marine” or “water-resistant” variety.

1119.9.3 Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

1119.9.4 Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

1119.9.5 The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2009 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6, and 1404.2), the 2009 IRC (Secs. R323.1.7 & R501.3), and ASCE 24-98 (Chapter 6).

1119.10 Paints and Adhesives

1119.10.1 Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” paint or other finish material.

1119.10.2 Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.

1119.10.3 All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finish material.

1119.10.4 The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended), the 2009 IBC (Secs. 801.1.3, 1403.7 and Appendix G), and the 2009 IRC (Secs. R323.1.7)

1119.11 Electrical Components

1119.11.1 Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

1119.11.2 Separate electrical circuits shall serve lower levels and shall be dropped from above.

1119.11.3 The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2009 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8), and ASCE 24 (Chapter 8) shall be utilized.

1119.12 Equipment

Water heaters, furnaces, air conditioning and ventilation units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2009 IBC (Sec. 1612.4), the 2009 IRC (Secs. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8), and ASCE 24 (Chapter 8) shall be utilized.

1119.13 Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs. See Section 4.03N of the Uniform Construction Code. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions, shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance. International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G. International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E, and Appendix J.

Section 1120 Development Which May Endanger Human Life

1120.1 In accordance with the Pennsylvania Flood Plan Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1120.1.1 will be used for the production or storage of any of the following dangerous materials or substances; or

1120.1.2 will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

1120.1.3 will involve the production, storage, or use of any amount of radioactive substances;

1120.1.4 shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances is considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium Carbide
5. Carbon Disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric Acid and Oxides of Nitrogen
12. Petroleum Products (Gasoline, Fuel oils, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulfur and Sulfur products
17. Pesticides (including insecticides, fungicide and rodenticides)
18. Radioactive Substances, insofar as such substances are not otherwise regulated.

1120.2 Within any identified floodway area, any new or substantially improved structure of the kind described in Sub-section 1120.1 of this Section shall be prohibited within the area measured fifty (50) feet leeward from the top-of-bank of any watercourse.

1120.3 Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Section 1120.1 above shall be:

1120.3.1 Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the base flood; and

1120.3.2 Designed to prevent pollution from the structure or activity during the course of a base flood.

1120.3.3 Any such non-residential structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 1121 Special Requirements for Manufactured Homes

1121.1 Within any identified floodplain area, all manufactured homes and any additions thereto shall be prohibited within the area measured fifty (50) feet landward from the top bank of any watercourse.

1121.2 Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:

1121.2.1 Placed on a permanent foundation;

1121.2.2 Elevated so that the lowest floor of the manufactured home is one and one-half (1 ½) feet or more above the elevation of the base flood; and

1121.2.3 Anchored to resist floatation, collapse or lateral movement.

1121.2.4 Installation of manufactured homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply, and 34 PA Code Chapter 401-405.

1121.2.4 Consideration shall be given to the installation requirements of the 2009 IBC (Appendix G, Sec. 501.1-3) and the 2009 IRC (Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

Section 1122 Activities Requiring Special Permits

1122.1 In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act (Act 1978-166), the following obstructions and activities shall be prohibited if located entirely or partially within any identified floodplain area unless a Special Permit has been issued by the Zoning Hearing Board. In addition to the requirements listed below, the Zoning Hearing Board may add special conditions they feel appropriate for the development:

1122.1.1 The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1122.1.1.1 Hospitals (public or private);

1122.1.1.2 Nursing Homes (public or private);

1122.1.1.3 Jails or prisons;

1122.1.2 The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

1122.2 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

1122.2.1 A written request including a completed Building Permit Application Form.

1122.2.2 A small-scale map showing the vicinity in which the proposed site is located.

1122.2.3 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1122.2.3.1 north arrow, scale, and date;

1122.2.3.2 topography based upon the North American Vertical Datum of 1988, showing existing and proposed contours at intervals of two (2) feet;

1122.2.3.3 all property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;

1122.2.3.4 the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

1122.2.3.5 the location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

1122.2.3.6 the location of the floodplain boundary line, information and spot elevations concerning the base flood elevations, and information concerning the flow of water, including direction and velocities;

1122.2.3.7 the location of all proposed buildings, structures, utilities, and any other improvements; and

1122.2.3.8 any other information which the municipality considers necessary for adequate review of the application.

1122.2.4 Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at a suitable scale, showing the following:

1122.2.4.1 sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

1122.2.4.2 for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

1122.2.4.3 complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

1122.2.4.4 detailed information concerning any proposed flood proofing measures;

1122.2.4.5 cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

1122.2.4.6 profile drawings for all proposed streets, drives, and vehicular access ways, including existing and proposed grades; and

1122.2.4.7 plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

1122.2.5 The following data and documentation:

1122.2.5.1 certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

1122.2.5.2 certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

1122.2.5.3 a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

1122.2.5.4 a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevations and flows;

1122.2.5.5 a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base

flood elevation and the effects such materials and debris may have on base flood elevations and flows;

1122.2.5.6 the appropriate component of the Department of Environmental Protection "Planning Module for Land Development."

1122.2.5.7 where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

1122.2.5.8 any other applicable permits, such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protections under Section 302 of Act 1978-166; and

1122.2.5.9 an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

1122.3 Application Review Procedures

Upon receipt of an application for a Special Permit by the County, the following procedures shall apply in addition to those of 1122.2:

1122.3.1 A complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission for its review and recommendations. Copies of the application shall also be forwarded to the municipality and its engineer for review and comment. Then the application shall be forwarded to the Zoning Hearing Board for action.

1122.3.2 If an application is received that is incomplete, the County shall notify the applicant in writing, stating in what respect the application is deficient.

1122.3.3 If the Zoning Hearing Board decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

1122.3.4 If the Zoning Hearing Board approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

1122.3.5 Before issuing the Special Permit, the County shall allow the Department of Community and Economic Development thirty (30) days to review the application and the decision made by the Zoning Hearing Board.

1122.3.6 If the County does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

1122.3.7 If the Department of Community and Economic Development decides to disapprove an application, it shall notify the County and the applicant, in writing, of the reasons for the disapproval, and the County shall not issue the Special Permit.

1122.4 Special Technical Requirements

1122.4.1 In addition to the requirements of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

1122.4.2 No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:

1122.4.2.1 Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

1122.4.2.1.1 the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the base flood elevation.

1122.4.2.1.2 the elevation of the lowest floor (including basement) will be at least one and one-half (1 1/2) feet above the base flood elevation.

1122.4.2.1.3 the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

1122.4.2.2 Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the (Township, Borough, etc.) and the Department of Community and Economic Development.

Section 1123 Existing Structures in Floodplain Areas

Structures existing in any identified Floodplain Area prior to the enactment of this Ordinance may continue to remain, provided that:

1123.1 Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

1123.2 No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood.

1123.3 Within any area identified as AE Area without floodway (Special Floodplain Area), no expansion or enlargement of an existing structure shall be allowed that would, together with all other existing and anticipated development, increase the base flood elevation at any point.

Section 1124 Definitions

As used in this Article, the following words shall have the particular meaning specified:

1124.1 Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

1124.2 Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

1124.3 Basement – Any area of the building having its floor sub-grade (below ground level) on all sides.

1124.4 Completely Dry Space - A space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

1124.5 Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

1124.6 Development - Any man-made change to improved or unimproved real estate, including but not limited to, buildings and other structures, the placement of manufactured homes, street and other paving, utilities, mining, dredging, filling, grading, excavation, storage of equipment or materials, or drilling operations or the subdivision of land.

1124.7 Essentially Dry Space - A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is impermeable to the passage of water.

1124.8 Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

1124.9 Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

1124.10 Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

1124.11 Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

1124.12 Floodplain Area – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

1124.13 Flood proofing - Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to the real estate or improved real property, water and sanitary facilities, structures, and their contents.

1124.14 Floodway Area - A flood-prone area identified by the Federal Emergency Management Agency (FEMA) or by other Federal, State, or other acceptable sources, which is designed to carry the waters of a base flood without cumulatively increasing the water surface elevation of that flood more than one foot at any point.

1124.15 Historic Structure - Any structure that is:

1124.15.1 Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

1124.15.2 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

1124.15.3 Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

1124.15.4 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1124.15.4.1 by an approved state program as determined by the Secretary of the Interior, or

1124.15.4.2 Directly by the Secretary of the Interior in states without approved programs.

1124.16 Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

1124.17 Manufactured Home - A transportable, single-family dwelling, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes park trailers, travel trailers, and other similar vehicles that are placed on a site for more than one hundred eighty (180) consecutive days.

1124.18 Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land under single ownership which has been planned and approved for the placement of two (2) or more manufactured homes for rent, sale, or non-transient use.

1124.19 New Construction - Structures for which the start of construction commenced on or after the effective date of this Ordinance, and includes any subsequent improvements thereto.

<u>Boroughs</u>	<u>Level of Study</u>	<u>Effective Date of Original FEMA Map or FIS</u>
Clarendon	B	April 17, 1985
Sugar Grove	B	August 15, 1990
Tidioute	B	February 15, 1985
<u>Townships</u>		
Columbus	B	December 1, 1986
Conewango	D	August 18, 1987
Deerfield	B	April 01, 1987
Eldred	B	May 15, 1985

Elk	B	June 30, 1976
Farmington	B	May 15, 1985
Glade	D	September 4, 1987
Mead	D	November 4, 1988
Pine Grove	D	August 19, 1987
Pleasant	D	January 5, 1989
Southwest	B	May 15, 1985

1124.20 New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

1124.21 Obstruction - Any wall, dam, wharf, embankment, levee, dike pile abutment, projection, excavation, channel, rectification, culvert, building, fence stockpile, refuse, fill structure or matter in, along, across or projecting into any channel, watercourse, of flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

1124.22 Recreational Vehicle – A vehicle which is:

1124.22.1 built on a single chassis;

1124.22.2 Not more than four hundred (400) square feet, measured at the largest horizontal projections;

1124.22.3 Designed to be self-propelled or permanently towable by a light-duty truck; cannot be wider than 8 feet 6 inches (excluding rollouts) and must have permanently mounted running lights and rear lights with backup, turn signal, and brake lights.

1124.22.4 Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

1124.23 Regulatory Flood Elevation - The base flood elevation plus a freeboard safety factor of one-and-one-half (1½) feet.

1124.24 Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all or a designated portion of a floodplain.

1124.25 Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

1124.26 Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

1124.27 Structure - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items.

1124.28 Subdivision - The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building, or lot development.

1124.29 Substantial Damage - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

1124.30 Substantial Improvements - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

1124.31 Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section 1125 Variances within Floodplain Areas

1125.1 If compliance with any of the requirements of the Ordinance would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

1125.2 Variance Procedures and Requirements – Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

1125.2.1 Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 1122) or to Development Which May Endanger Human Life (Section 1120).

1125.2.2 If granted, a variance shall involve only the least modification necessary to provide relief.

1125.2.3 In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

1125.2.4 Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

1125.2.4.1 The granting of the variance may result in increased premium rates for flood insurance.

1125.2.4.2 Such variances may increase the risks of life and property.

1125.2.5 In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

1125.2.5.1 That there is good and sufficient cause.

1125.2.5.2 That failure to grant the variance would result in exceptional hardship to the applicant.

1125.2.5.3 That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.

1125.2.6 A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

1125.2.7 No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the base flood elevation.

1125.2.8 Within any area identified as AE Area without floodway (Special Floodplain Area), no variance shall be granted for any construction, development, use or activity that would, together with all other existing and anticipated development, increase the base flood elevation at any point.

1125.2.9 D. No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.

Section 1126 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

ARTICLE 12

ADOPTION

Section 1201 Effective Date

This Ordinance shall take effect on AUGUST 13, 2008

Section 1202 Adoption

Approved, ordained and enacted this 13th day of August, 2008

COMMISSIONERS OF WARREN COUNTY

John E. Eggleston
Chairman

[Signature]
Vice-Chairman

[Signature]
Secretary

ATTEST:

Pamela Mathe
Chief Clerk

WARREN COUNTY ZONING ORDINANCE - REVISION HISTORY					
DATE	AUTHOR	DESCRIPTION	APPROVED BY	ORD #	REV #
9/14/2022	M. LYON	Add Setback Def, (2) Single Family Homes, add Duplex clarification	Board of Commissioners	260	1
2/18/2026	A Gonzales	Text amendment to add definitions, Article 401.52 & Article 401.53	Board of Commissioners	266	1

Warren County Planning & Zoning Department
Warren County Courthouse
204 Fourth Avenue
Warren PA 16365
814-728-3512
 814-728-3517 (Fax)