

**Borough of Wheatland Zoning Ordinance**  
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**ZONING MAP ATTACHED FOR REFERENCE ONLY AT THE BACK OF THIS ORDINANCE.**

## **ARTICLE 1: SHORT TITLE, PURPOSE & SCOPE**

### **SECTION 100: SHORT TITLE**

This ordinance shall be known as the "Borough of Wheatland Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Municipal Zoning Map" copies of which shall be retained by the Municipal Zoning Officer and the Municipal Secretary. The map included herein is a reproduction of the official map and is provided for reference only.

### **SECTION 101: COMMUNITY DEVELOPMENT OBJECTIVES:**

Promote intergovernmental cooperation between all municipalities to support regional activities and sharing of services.

The zoning regulations and districts set forth in this Ordinance are made in accordance with the Joint Comprehensive Plan for Borough of Wheatland, Borough of Sharon Borough of Wheatland and Borough of Hermitage, July 2007 for the general welfare of the Borough and are intended for the following purposes:

**Land Use Goal:** Prepare a land use plan that is consistent with the character of the Region and will protect the health, safety and welfare of the Region's residents.

**Housing Goal:** Encourage a variety of housing designs, types, and values to meet the residential needs of the all segments of the Region's present and future population.

**Revitalization Goal:** Support the revitalization of the Regions' neighborhoods.

**Regional Cooperation Goal:** Develop shared and coordinated courses of action to improve and sustain the long-term vitality of the Shenango Valley community and manage future growth and development in the Region.

**Community Facilities and Services Goal:** Provide coordinated, efficient and cost effective public services and facilities to the Region's residents and develop, maintain and improve community infrastructures.

**Open space and Recreation Goal:** Support development and sustainable management of a recreational network within the Region.

**Community Development Goal:** Improve the perception of the Region's communities, and work to instill a sense of pride in the

community and neighborhoods and feeling of optimism for the future of the Region.

**Transportation Goal:** Identify and implement transportation projects that facilitate mobility and accessibility, improve safety, improve the Region's economic viability and enhance residents' quality of life.

**Economic Development Goal:** Increase employment opportunities in all sectors of the economy, for all income and education levels.

**Workforce Education and Training Goal:** Provide adequate training of the Region's residents to enable them to be participants in the workforce.

**Historic, Architectural and Cultural Resources Goal:** Protect and encourage active use of historic sites.

**Natural Resources Goal:** Retain natural landscape systems and sustain or improve the quality of natural environmental features.

**Environmental Education Goal:** Facilitate implementation of the Comprehensive Plan through educational outreach within the Region.

**101.01. Community Objectives included from the 1999 Wheatland Zoning Ordinance:**

- A. To encourage the reuse, rehabilitation and continuing maintenance of the Borough's existing housing stock, especially due to the fact that Wheatland does not lie in the path of residential growth.
- B. To create a local economy which maximizes opportunities for community-based businesses.
- C. To maintain opportunities for industrial businesses to flourish and continue creating real prosperity and encouraging the importation of outside capital.
- D. To encourage homeownership as the basis for secure, flourishing residential neighborhoods.
- E. These are made with reasonable consideration of, among other things, the existing character of the various areas within and around the Borough and their respective suitability for particular uses.

## **SECTION 102: PURPOSE AND AUTHORITY**

**102.01.** This Zoning Ordinance and its regulations are adopted by authority granted to the municipality under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purpose:

- A. To promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various land uses and development
- B. To promote coordinated, orderly, harmonious, and practical community development
- C. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses
- D. To lessen congestion and promote public safety and convenience on roads and highways
- E. To secure safety from fire, panic, pollution hazards, and other dangers
- F. To provide adequate light and air
- G. To prevent the overcrowding of land
- H. To avoid undue congestion of population
- I. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewerage, schools, parks and other public requirements
- J. To establish reasonable standards to which buildings and development shall conform
- K. To protect and enhance the value of land

## **SECTION 103: SCOPE**

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Wheatland.

The Zoning Ordinance regulates and restricts within the boundaries of the Borough of Wheatland, Mercer County, Pennsylvania:

- A. The height, number of stories and size of buildings and other structures
- B. Their construction, alteration, extension, repair and maintenance
- C. All facilities and services in or about such buildings and structures
- D. The percentage of lot that may be occupied
- E. The size of yards, courts and other open spaces
- F. The density of population
- G. The location and use of buildings, structures and land for trade, industry, residence or other purposes
- H. The establishment and maintenance of building lines and setback building lines

#### **SECTION 104: INTERPRETATION**

**104.01.** In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

**104.02.** The Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

#### **SECTION 105: COMPLIANCE**

The provisions of the Zoning Ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots. Except as provided in

this ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located. Any use which is not listed in a specific zoning district shall be interpreted as prohibited in that district.

## **SECTION 106: SEVERABILITY**

**106.01.** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zoning district boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

**106.02.** The Borough of Wheatland hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

## **SECTION 107: REPEAL**

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Municipal Zoning Ordinance, Ordinance Number 194, **1957 as revised and amended to September, 1983**, adopted **1983 including any amendments**. Any other resolution or ordinance conflicting with the provisions, regulations, limitations, and/or restrictions of this zoning ordinance contained herein shall be and the same is hereby repealed to the extent of such conflict.



## **ARTICLE 2: DEFINITIONS**

### **SECTION 200: GENERAL INTERPRETATION**

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

Except as defined within this ordinance, all words or phrases shall have their meanings and usage as provided in a dictionary of standard use.

### **SECTION 201: DEFINITION OF TERMS**

**Accessory (Building or Use).** A building or use is accessory if it: 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of the occupants of the principal building or principal use; and 4) is located on the same zoning lot as the permitted principal use.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Automotive Repair Services and Garages.** Establishments primarily engaged in furnishing automotive repair, rental, leasing, parking services, as well as supplying gasoline, oil, minor accessories and services for automotive vehicles at retail to the general public..

**Automotive and/or Trailer Sales Establishment.** The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks, recreational vehicles or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

**Automotive Wrecking.** The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**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.** A 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.

**Boarding House (also Rooming House).** A building or portion thereof arranged or used for sheltering and feeding, for compensation, individuals who are not members of the proprietor's family.

**Boarding Unit.** Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

**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. *An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.*

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** A building where both side walls of all except the end structures are party walls.

**Building, Detached.** A building that has no party wall.

**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot which marks the building setback.

**Bulk Storage & Distribution Facility.** The storage and distribution of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

**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. *available to the public for compensation*

**Cemetery** - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Church** - a place of assembly used for congregate religious services and worship. Although accessory uses, such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Club, Lodges and Membership Organizations.** A building, land area or other premises operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Recreation** - a facility which 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 or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes, 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 250 square feet.

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

**Community Facility.** A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Conditional Use** - a use to be allowed or denied by the Borough Council pursuant to public notice and hearing and recommendations by the Borough of Wheatland

Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Borough of Wheatland 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 of this Ordinance.

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

**Convenience Store** - a retail establishment of limited size [less than five thousand (5,000) square feet], designed for the sale of sundries, groceries and fuel. ) *offering for sale commercial fuels, as well as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Convenience stores do not include repair services, tire sales or similar activities.*

**Corporate Offices** - the place of business of an industrial, warehousing or similar business concern, regardless of its legal and organizational form. Corporate offices shall be considered those places where the management, sales or accounting and clerical functions of a business located off premises occur. Corporate offices do not include professional services offices when a primary service is rendered such as realtors', architects' or engineers' offices.

**Day Care Services** - 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. \*\*For the purposes of this Ordinance, child and adult day care shall be considered under the same classifications.

This Ordinance identifies three levels of Day Care Services:

1. Care for less than four (4) children will not be considered as Day Care Services.
2. Family Day Care Homes - facilities in which care is provided at any one time to four (4), five (5), or six (6) persons who are not relatives of the care giver.
3. Group Day Care Homes - facilities in which care is provided for more than six (6) but less than twelve (12) persons, at any one time, where the care areas are being used as a family residence. Care of six (6) to twelve (12) persons where the care areas are not used as a family residence will be considered a Day Care Center.
4. Day Care Centers - facilities in which care is provided for seven (7) or more persons, at any one time, where the care areas are not used as a family residence.
5. All must comply with local and State Regulations, the Laws of the Commonwealth of Pennsylvania and the rules of the Pennsylvania Department of Public Welfare.

**Dog Kennel** - the keeping of more than four (4) dogs that are more than six (6) months old, owned or un-owned, for any period of time, or any facilities identified as a kennel by the laws or regulations of Pennsylvania.

**Domestic Pet.** Animals integrated into and which may become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship – traditionally dogs, cats, small birds, etc.

**Drive-In Business.** A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores, bank, pharmacy and the like.

**Dwelling** - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house" or "tourist home."

(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.

**Eating and Drinking Places** - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**Educational Facilities.** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**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.

**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 from the center line of the walls separating two (2) buildings.

**Service Station** - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories. **Fuel Service Stations.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**Garage.** An accessory structure used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**Health Care Facility.** A profit or nonprofit facility or institution licensed by the Commonwealth of Pennsylvania, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, convalescent home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bio-analytical laboratory or central services facility serving one or more such institutions.

**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.

**Home-Based Business/Home Occupation.** Any activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit.

**Home-Based Business, No-Impact.** See Section 403.04 of this ordinance.

**Hospital** - an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

**Hospital, Veterinary.** A structure designed or converted for the care of and/or treatment of sick or injured domestic animals.

**Hotel.** A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Industrial Park.** Land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses including research and development, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**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 the purpose of prompt disposal. For the purpose of 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 place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

**Limited Commercial** - a small commercial establishment providing light retail goods or services for the convenience of residents of the municipality, which is compatible with the essential character of the neighborhood or District; is not disruptive to neighboring residential uses; confines sales, services and storage activities to the interior of the building; and conforms with the other requirements of the District in which it is located. Limited commercial establishments shall further be defined as those which do not exceed five thousand (5,000) square feet of gross leasable area.

**Lot** - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

**Lot, Corner** - a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

**Lot, Line** - any line dividing a lot from another lot or from an abutting street or other right-of-way.

**Manufactured Home.** Prefabricated homes built as dwelling units with a permanent chassis to assure the initial and continued transportability of the home; used for non-transient residential purposes; constructed with the same or similar pitched roofs and conventional roofing and siding materials, electrical, plumbing, and sanitary facilities as immobile housing; and upon arrival at the site where the manufactured home is to be situated for occupancy, it is complete and ready except for minor and incidental unpacking operations, location on foundation supports, connection to utilities and the like.

**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; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

**Manufacturing, Heavy** - a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or which pose significant risks due to the involvement of explosives, radioactive materials poisons, pesticides, herbicides, or other hazardous materials in the manufacturing and other processes.

**Mini-Storage Facilities** - a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

**Mobile Home** - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot** - 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.

**Mortuary, Funeral Home, Crematorium.** A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

**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. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.



**Motor Freight Terminal.** A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

**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.

**Non-conforming 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 reasons of such adoption or amendment.

**Non-conforming 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.

**Non-conforming 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 licensed as such a facility by the Commonwealth of Pennsylvania.

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

**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 ten (10) feet for the storage of one (1) automobile and accessible from a public way.

**Personal Care Home** - a facility giving long-term care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

**Personal Services** - any enterprise conducted which primarily offers services to the general public, such as: shoe repair, valet services, barber shops, beauty parlors and related activities.

**Planned Residential Development:** an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the zoning ordinance.

**Planning Code** - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 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** - parks and playgrounds which are owned and operated by the Borough of Wheatland or by an authority created for such purposes by the Borough of Wheatland.

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bona-fide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the municipality, and any other governmental entity, or any non-profit organization that are open to the general public.

**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 body work.

**Repair Services, Light** - Non-vehicular repair services in which all activities and storages are conducted entirely within a building.

**Room** - room shall mean any enclosed area within a dwelling unit, meeting this Ordinance for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

**Rooming House** - a dwelling having five (5) or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house."

**Sanitary Landfill** - 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 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, replacing trees as needed. The zoning officer may require 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.

**Service Station** - buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires and motor vehicles.

**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 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, Borough or other political unit, nor public traffic or directional signs. (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 which can be drawn to encompass all of the letters and symbols.

**Sign, Business** - a sign which 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.

**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.

**Subdivision.** The division or combination of a lot, tract, or parcel of land by any means into lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**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.

**Trucking Facility** - Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles.

**Use, Accessory** - A use customarily incidental and subordinate to the principal use of a building, structure and/or land and is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A use permitted in a particular zoning district only upon showing that such use, in a specified location, will comply with the expressed standards and criteria contained in the Zoning Ordinance and any additional safeguards deemed necessary by the governing body.

**Use, Non-conforming.** "See Non-conforming Use".

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance. All other uses on the same lot and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Visual Obstruction.** Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them that limits visibility.

**Warehousing and Distribution** - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Yard** - that portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

**Yard Line** - a line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

**Yard, Front** - a yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

**Yard, Rear** - a yard between the rear lot line and a line drawn parallel thereto at such distance there from as may be specified herein for any zoning district, and extending for the full width of the lot.

**Yard, Side** - an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

**Zoning Officer** - the Zoning Officer of the Borough of Wheatland, or his/her authorized representative.

## **ARTICLE 3: ZONING DISTRICTS**

### **SECTION 300: PURPOSE AND CHARACTER OF ZONING DISTRICTS**

The Borough of Wheatland is divided into the districts set forth by this Ordinance, and as shown by the district boundaries on the Zoning Map. These districts are:

R-50 Residential District: This district is intended to provide predominately for single- family and multiple family detached dwellings and related uses.

B-2 General Business District: This district is established to provide for and encourage the development of an efficient central shopping district containing offices, retail and service establishments essential to the functioning of such a district and in such a manner that it will serve as a transitional zone between the heavy industry and residential areas of the community.

I-2 Industrial District: This district is to provide for traditional local manufacturing activities, including heavy manufacturing.

SD – Special District: The purpose of this district is to provide for Adult Entertainment Establishments and to regulate to the maximum extent permitted by law to effectuate the promotion and protection of the public health, safety, morals, and general welfare of the Borough.

R-O – Recreational Overlay District: The purpose of this district is to provide for recreational activities near the Shenango River overlaying the Industrial District.

## **SECTION 301: BOUNDARIES OF ZONING DISTRICTS:**

The boundaries of the zoning districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zoning districts, the following rules shall apply:

**301.01. Where a zoning district boundary follows a street, alley, railroad, or watercourse** – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

**301.02. Where a zoning district boundary approximately parallels a street or alley** – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

**301.03. Where a zoning district boundary approximately follows a lot line** – The lot line shall be interpreted to be the zoning district boundary.

**301.04. Submerged areas** - Where areas within the Municipality are underwater and are bounded by one or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water or until they meet the other zoning districts.

**301.05. Annexed lands** - Any land annexed to or made a part of the Municipality subsequent to the adoption of this ordinance shall immediately be classified as Residential District as of the effective date of annexation.

**301.06. Vacation of public ways** - Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

**301.07. Where a zoning district boundary does not follow a physical feature or lot line and none of the previous rules apply.** The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

## **SECTION 302: ZONING MAP**

### **302.01. ZONING MAP:**

A map entitled the Borough of Wheatland Zoning Map is hereby adopted as part of this Ordinance. The zoning map shall be kept on file and available for examination at the Borough office.

### **302.02. ZONING DISTRICT CHANGES:**

All approved changes to Zoning Districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

## **ARTICLE 4: PERMITTED USES, CONDITIONAL USES AND SPECIAL EXCEPTIONS:**

**400.01.** The Permitted Uses, Conditional Uses and Special Exceptions for each District are shown in the following table (Section 402) and are considered principal uses unless clearly noted.

**400.02.** Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 2.

**400.03.** Whenever in any district established under this Ordinance a use is not specifically permitted and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter or any provision permitting the same, provided that the same shall comply and follow all requirements of this Ordinance, otherwise it shall not be permitted.

**400.04.** Number of Principal Structures on a Lot - Except in the case of permitted planned residential developments not more than one principal structure shall be located on a zoning lot.

**400.05.** Minimum requirements for all dwelling units: No Dwelling unit, as defined in Definitions, shall be permitted in any zone unless:

- a) There is a full excavated subterranean basement, not less than eight (8) feet below ground level, constructed in accordance with applicable building codes and/or standards, beneath not less than one hundred (100%) percent of the ground level floor area.

### **SECTION 401: CONDITIONAL USES AND SPECIAL EXCEPTIONS:**

**401.01.** The criteria for Conditional Uses and Special Exceptions are listed below. The Borough Council 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 Borough Council 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.

**401.02.** Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Borough Council after the recommendation of the Borough of Wheatland Planning



Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

#### **401.03. CONDITIONAL USES**

A. Conditional Uses may be granted or denied by the Borough Council with the advice of the Planning Commission in accordance with the express standards and criteria of this Ordinance. In granting a Conditional Use, Borough Council may attach 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.

#### **401.04. SPECIAL EXCEPTION**

A. In granting a Special Exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood.

## SECTION 402: PERMITTED USES

ZONING CATEGORY \ PERMITTED USES	R1	B2	SD	INDUSTRIAL
<b><u>RESIDENTIAL USES</u></b>				
Single-Family Dwellings	X			
Two-Family Dwellings	X			
Conversion Apartments 403.15	X			
Planned Residential Development	C			
Multi-Family Dwellings	C			
Personal Care Homes 403.06	C			
Group Day Care Homes 403.05	C			
Nursing Homes 403.01	C			
Family Day Care Homes 403.05	C			
Churches	C			
Schools 403.01	X			
Public and Private Schools 403.01	X			
Public or Private Accredited Schools or Religious Instruction Facilities 403.01	X			
No Impact Home Business	X			
<b>BED &amp; BREAKFAST</b>				
Hospitals 403.01		X		
Medical and Dental Clinics 403.02		X		
Hospitals and Nursing Homes 403.01		X		
Parks and Playgrounds	X			<b>Recreational Overlay District*</b>
Public Parks and Playgrounds	X			<b>Recreational Overlay District*</b>
<b>*See 403.21 and Zoning Map</b>				

<b>ZONING CATEGORY \ PERMITTED USES</b>	<b>R1</b>	<b>B2</b>	<b>SD</b>	<b>INDUSTRIAL</b>
<b>INDUSTRIAL USES</b>				
Commercial Bakeries			X	X
Commercial Laundries			X	X
Heavy Manufacturing 403.09			X	X
Corporate Offices			X	X
Laboratory/Research Facilities			X	X
Light Manufacturing			X	X
Truck Terminals			X	X
Veterinary Clinics		C		
Warehousing and Distribution			X	X
Parking Lots and Parking Garages			C	C
Billboards (See SIGN ORDINANCE referenced by Article 5)				
Building Supply/Material Yards			X	X
Bulk Distribution of Chemical or Petroleum Products 403.08			C	C
Rental Service/Equipment		X	X	X
<b>COMMERCIAL USES</b>				
Adult Entertainment Establishments(See SECTION 405 for additional provisions)			C	
Automobile Sales/Rentals		C		
Car Washes 403.19		C		
Civic/Cultural Buildings, Museum, Arts Center		X		X
Commercial Recreation 403.18		C		
Convenience Stores 403.12		X		
Day Care Centers 403.05		C		
Eating/Drinking Places 403.12		X		
Financial Institutions		X		
Flea Markets 403.16		X	X	X
Funeral Parlors 403.07		X		
Gasoline Service Station 403.13		C	C	C

<b>ZONING CATEGORY \ PERMITTED USES</b>	<b>R1</b>	<b>B2</b>	<b>SD</b>	<b>INDUSTRIAL</b>
Hotels/Motels		X		X
Light Repair Services		X		X
Limited Commercial 403.11		X		X
Lodges, Fraternal Organizations or Social Clubs		X		
Mini-Storage Facilities 403.14		X	X	X
Parking Lots				X
Personal Services		X		
Professional Offices 403.03		X	C	C
Retail Businesses		X		
Shopping Centers 403.17		C		
Theaters		X		
Gymnasium		X		X
Accessory Structures	C			
Accessory Uses				
ESSENTIAL SERVICES - Public Utilities 403.10		S	C	C
Essential Services with No Structure	X	X	X	X
Radio, Television, Cellular Telephone, Microwave Signal TOWERS 403.20			X	X
Repair/Service Businesses/Service Stations 403.13		X	X	X

<b><u>LEGEND</u></b>		
<b>PERMITTED USE</b>	<b>X</b>	ALLOWED AUTOMATICALLY
<b>ACCESSORY USE</b>	<b>A</b>	Permitted only subsequent to a Primary, Permitted use
<b>CONDITIONAL USE</b>	<b>C</b>	Conditions provided in Ordinance for specific uses, can be reviewed by Zoning Officer, <b>SEE CONDITIONS SECTIONS</b>
<b>SPECIAL EXCEPTION</b>	<b>S</b>	Requires additional review by Zoning Hearing Board, may attach provisions similar in size or type to other permitted uses, including reuse of existing structures.

## **SECTION 403: PERMITTED USE PROVISIONS:**

### **403.01. Schools, Hospitals, and Nursing Homes:**

- (a) Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- (b) Shall be located on a paved public street with a minimum cartway width of twenty (20) feet.
- (c) The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- (d) All parking and recreation/play areas which abut residential uses shall provide screen planting.
- (e) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (f) Such uses shall have, and present, all needed local, county, State or Federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to final approval.

### **403.02. Medical and Dental Clinics:**

- (a) All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.
- (b) Any lighting shall be so arranged to prevent glare to adjoining properties.
- (c) Any parking area next to a residential use shall be screened (see Screening).

### **403.03. Professional Offices:**

- (a) If new construction, shall not exceed five thousand (5,000) square feet in building size.

**403.04. 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) The nature of the home occupation shall not change the outward

characteristics of the home as a residential unit. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (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 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.
- (i) Restrictions: Among the activities specifically excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automobile body work and similar undertakings.

**403.05. Day Care:** Day Care Services for Children have three (3) different types (see Article 2 for definitions), Family Day Care Homes, Group Day Care Homes and Day Care Centers. Day care may be allowed in specified districts, as a Special Exception, providing the following criteria are met:

- (a) Any outdoor play area shall be effectively fenced with a solid fence of at least four (4) feet in height.
- (b) For all new construction, and where feasible for existing structures, circular driveways or other drop off area shall be provided to deliver and pick up clients.
- (c) The operator shall secure and keep current all required licensed permits from the Commonwealth or other licensing agencies. The Borough may request copies to confirm compliance.

**403.06. Personal Care Homes:** The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter, and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- (a) Required local, county and/or State certifications shall be presented to the Board. Specially included are to be permits from the Pennsylvania Departments of Welfare and Labor and Industry.

**403.07. Funeral Parlors:**

- (a) There shall be no receiving vault, preparation room or display of merchandise visible from outside the principal building.

**403.08. Bulk Petroleum Products Distribution:** The sale and hauling of chemical and petroleum products, especially in bulk quantities represent a potential hazard to the community. Due to this, such uses must:

- (a) Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being secured. Specifically, the regulations of the Pennsylvania State Fire Marshall shall be followed. This includes approval of underground tank installation. A Certificate of Occupancy will not be issued until all such permits are finalized.\*
- (b) Copies of plans showing any underground piping, storage facilities, and related appurtenances as they involve chemical or petroleum products must be presented. "As-built" corrections must be made before a Certificate of Occupancy is issued.\* This information will be shared with public safety organizations.
- (c) No structure involving the use, storage, or handling of chemical or petroleum products shall be within four hundred (400) feet of a residential use or district.
- (d) All lots shall be at least two (2) acres in size.

**403.09. Heavy Manufacturing:**

Heavy manufacturing shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment.

- (a) Outside storage yards abutting or immediately across a street from any "R" District shall be screened.
- (b) It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to any adjacent property.
- (c) 2. It shall not emit any offensive odors, or noxious, toxic, or corrosive fumes, or gases.
- (d) 3. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or process with electrical apparatus, to nearby residences.
- (e) 4. Where any permitted non-residential use abuts a Residential Zoning District or use, suitable screening, as defined in Article 604.02 , shall be installed.
- (f) 5. It shall comply with all applicable local, state, or federal air and water quality standards.

**403.10. Public Utilities:** Lots containing structures or buildings for public utilities shall:

- (a) Be landscaped to present a minimum intrusion upon the neighborhood.
- (b) Be enclosed by a security fence. Notwithstanding any other section of this Ordinance, the height of this fence shall be adequate to provide proper security for the installation [eight (8) feet].
- (c) No outdoor storage shall be permitted.

**403.11. Limited Commercial:** The purpose of this use is to allow smaller retail operations in an urban residential environment. Such uses shall ensure that:

- (a) Any mechanical units shall be so enclosed as to baffle their sound from surrounding uses.
- (b) All dumpsters and or garbage/trash storage areas shall be enclosed.

**403.12. Eating/Drinking Places, Convenience Stores:** Shall be permitted subject to the following regulations:

- (a) No vehicles will be parked or stored along the front property lines, except on a short-term bases (less than twelve [12] hours).
- (b) All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- (c) Any mechanical units shall be so enclosed as to baffle their sound from surrounding uses.

**403.13. Service Stations, Service and Repair Businesses,** Shall be permitted subject to the following regulations:

- (a) Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.
- (b) There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the screened storage of the Department of Environmental Protection-approved trash containers shall be permitted.
- (c) All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- (d) Any mechanical units shall be so enclosed as to baffle their sound from surrounding uses.

**403.14. Mini-Storage Facilities:** These structures are also known as self-service storage facilities and consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- (a) There shall be no outdoor storage of any type, at any time.
- (b) Each such facility shall be serviced by at least two (2) well-marked driveways



of ten (10) to twelve (12) feet in width.

**403.15. Conversion Apartments:** The purpose of conversion apartments is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into a multi-family unit, the following criteria must be met:

- (a) All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- (b) Individual residential units shall have a minimum floor area of four hundred fifty (450) square feet exclusive of common spaces.
- (c) Evidence of compliance with all building codes must be provided.

**403.16. Flea Markets:** These are periodic but often intense uses. They shall:

- (a) Provide a plan for ingress and egress, parking and sanitation to the Borough of Wheatland for approval.
- (b) Such operations will not begin before 7:00 A.M. nor continue after 10:00 P.M.

**403.17. Shopping Centers:** For proposed shopping centers, the developer shall submit:

- (a) An existing site plan that shall show existing site conditions, including buildings, natural features, and utilities.
- (b) A proposed site plan to include proposed building, parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting, utility location, size and connection, and provide screen plantings as required.
- (c) A list of permitted uses must be provided to identify parking requirements.

**403.18. Commercial Recreation:** These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Outdoor uses shall:

- (a) In addition to required side and rear yards, provide a buffer yard of an additional twenty (20) feet, which yard is to be planted in evergreen trees in order to help provide a visual and sound barrier to nearby properties.
- (b) There shall be no outdoor speakers.
- (c) Operating hours shall be between 8:00 A.M. and 10:00 P.M. prevailing time.

**403.19. Car Washes**

- (a) Car Stacking: The entrance to the car wash shall be designed as to permit a waiting line which meets the requirements for drive-through facilities under this Ordinance.
- (b) All such facilities shall present a drainage plan.

**403.20. Radio Transmission Towers and Antenna:** These criteria will only apply to commercial or public towers in excess of one hundred (100) feet in height. Home "ham" or "CB" uses are excluded. Such uses shall:

- (a) Maintain setbacks from all property lines as required by appropriate yard standards but in no case less than twenty percent (20%) of the tower height.
- (b) The tower base and all guy wire ground anchors shall be suitably protected by fencing.
- (c) All accessory structures, including studios, shall observe required yard, coverage, and height regulations, as well as adhering to other provisions of this Ordinance.

**403.21. Recreational Overlay District**

- (a) All permitted Industrial Uses are permitted within the Recreational Overlay Zone and will follow all requirements of the Industrial zone.
- (b) Refer to Zoning Map Overlay District for location.
- (c) Recreational Space Requirements:
  - i. Minimum Lot area for recreational use shall be 15,000 square feet.
  - ii. Maximum height of any recreational use shall be 28'.
  - iii. Maximum Impervious area coverage shall be 50%.

**SECTION 404: PLANNED RESIDENTIAL DEVELOPMENT:**

**404.01.** This Article shall not be construed to mean that the developer of a Planned Residential Development can, by merely meeting the standards set herein, develop a Planned Residential Development as a permitted use. These standards and requirements are minimums only. The governing body may require more stringent standards, based on the specific and unique nature of the site and the surrounding areas, in order to protect the health, safety, and welfare of the citizens of the Borough. In cases where additional standards are necessary for a specific site, this Zoning Ordinance and the Municipal Subdivision and Land Development Ordinance shall apply towards the site until the proposed development plan has been filed, approved, and recorded having met these additional standards.

**404.02. PURPOSE:** The purpose of the Planned Residential Development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

**404.03. DEVELOPMENT OBJECTIVES:**

- 1. Extend greater opportunities for traditional community living, working, housing,

and recreation to all citizens and residents of Wheatland.

2. Encourage a more efficient use of land and public services and to reflect changes in technology of land development and directing new development in a traditional pattern of mixed and multiple-use and varied housing types.
3. Provide a procedure which can relate the type, design, and layout of residential development to the particular site, the particular demand for housing existing at the time of development, and to Wheatland's goal of encouraging residential/mixed use development in a manner consistent with the preservation or enhancement of property values within existing zoning districts.
4. Insure that the increased flexibility and design specific Borough of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.
5. Promote the creation of developments that are identifiable in the townscape, include open space, and help to preserve and create attractive natural areas.
6. Allow future development to replicate the best from Wheatland's historic patterns of settlement.

**404.04. BASIS FOR CONSIDERATION:** Consideration for approval or disapproval of a Planned Residential Development shall be based on and interpreted in light of the effect of the development on the comprehensive plan of the Borough of Wheatland, and in light of the effect of the development on the use of the property adjacent to and in the areas close to the Planned Residential Development.

## **SECTION 405: ADULT ENTERTAINMENT ESTABLISHMENTS**

### **405.01. Purpose/Legislative Intent and Definitions:**

The location of adult entertainment establishments is of vital concern to the Borough of Wheatland especially when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Borough residents, in particular the minors of the community. Borough Council in enacting these regulations relative to adult entertainment establishments exercise the power which has been granted to them. The Borough Council does not attempt or intend to absolutely prohibit adult entertainment establishments in the Borough but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of the Borough of Wheatland.

**405.02. Definitions:** It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Article 2:

For the purpose of this Article, "adult entertainment establishments" are defined as follows:

**Adult Arcade** - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or any other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

**Adult Bookstore** - Any establishment having as a substantial or significant portion (25% or greater) of its stock in:

- (1) books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
- (2) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**Adult Cabaret** - (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

**Adult mini motion picture theater** -An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult model studio** - A motel or similar establishment, offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**Adult motel** - A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or

characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

**Adult motion picture arcade** - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult motion picture theater** - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

**Adult news rack** - Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**Adult theater**- A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

**Bath House** - An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**Body painting studio** - Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

**Escort Agency** – Any person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**Massage Parlor** - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Nude Model Studio** – Any place where a person who appears semi-nude, in a state of nudity or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure.

1. That no sign visible from the exterior of the structure and no other advertising that indicates that a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

**Nudity or a State of Nudity** – means the showing of the human male or female genitals, pubic area, vulva, anus anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Out call service activity** - An establishment or business which provides an Out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**Sexual encounter center** - Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner as defined below, licensed by the Commonwealth, to engage in sexual therapy. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

**Viewing Booths** – Means booths, stalls, partitioned portions of a room, rooms or other enclosures which are available for viewing (1) films, movies, videos or visual reproductions of any kind depicting or describing “specified sexual activities” or “specified anatomical areas”, or (2) persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

(b) “**Specified anatomical areas**” as used herein shall mean and include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or;
  - (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (c) **“Specified sexual activities”** include the following:
- (1) showing of human genitals in a state of sexual stimulation or arousal;
  - (2) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
  - (3) fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

**405.03. Minimum Spacing and Proximity Requirements:**

(a) No adult entertainment shall be located within 1,000 feet of any other adult entertainment establishment.

(b) No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:

- (1) No such establishment shall be located within 1,000 feet of a dwelling.
- (2) No such establishment shall be located within 1,000 feet of schools, including public and private educational facilities or within 500 feet of any school bus stops;
- (3) No such establishment shall be located within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:

- Amusement park;
- Camp (for minors’ activities);
- Child care facility;
- Church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- Community center;
- Museum;
- Park & Playground;
- Other lands where minors congregate.

(c) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any Adult Entertainment Establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the Adult Entertainment Establishment to the closest point on the property line of said land use.

**405.04. Visibility from the street:** no person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts,

describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

**405.05. Sign Requirements for Adult Entertainment Establishments:**

- (a) All signs shall be flat wall signs.
- (b) The gross surface area of a wall sign shall not exceed 5 percent of the area of the wall of which such sign is a part.
- (c) No signs shall be placed in any window. A one and half square foot sign may be placed on the door to state hours of operation and admittance to adults only.



## **ARTICLE 5: LOT, YARD AND HEIGHT REQUIREMENTS:**

The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as list in Section 500.

### **SECTION 500: SINGLE-FAMILY DWELLINGS AND ALL USES EXCEPT MULTI-FAMILY DWELLINGS (SEE SECTION 501, BELOW)**

<b><u>LOT, YARD AND HEIGHT REQUIREMENTS</u></b>	<b>R50</b>	<b>B2</b>	<b>SD Special</b>	<b>I Industrial</b>
<b>Minimum Lot Area in Square Feet</b> (unless noted)	6750' + 8100' ++ 10,000' +++	5000'	5000' <sub>1</sub>	15,000'
<b>Minimum Lot Width</b>	50' + 60' ++ 75' +++	50'	50' <sub>1</sub>	100'
<b>Minimum Front Yard Setback*</b>	20'*	30'* 50' from any "R" Zone	30' <sub>1</sub> *	15'*
<b>Minimum Rear Yard Setback</b>	30' 5' Accessory	12' "B" or "I" 25' from "R50"	12' from "B" or "I", 25' from R50 <sub>1</sub>	15'
<b>Minimum Side Yard Setback</b>	5' 15' minimum total 2 sides	5'	5' <sub>1</sub>	15' 100' from "R50"
<b>Maximum Height</b>	28'***	30'- Principal Structure, 20' - Accessory	30'- Principal Structure, 20'- Accessory Structure <sub>1</sub>	NONE
<b>Maximum Impervious Area Coverage</b>	35%	50%	50% <sub>1</sub>	50%

\*Minimum front yard setback shall be measured from the Right-of-Way line.

\*\* Residential Accessory structures may not exceed the height of the principal structure.

+ - One Family Detached

++ - One Family Semi-Detached

+++ - Two Family Detached

1 – Height and area regulations for an industrial use shall be the same as those set forth under "I" Industrial

**SECTION 501: MULTI-FAMILY DWELLINGS PROVISIONS  
(APPLICABLE IN ALL DISTRICTS WHERE MULTI-FAMILY  
DWELLINGS ARE PERMITTED)**

<b>MULTI-FAMILY:</b>	<b>*MIN. LOT AREA/UNIT</b>	<b>MIN. LOT WIDTH</b>	<b>MIN. SIDE YARD</b>	<b>MIN. REAR YARD</b>	<b>* No multi-family unit may be developed on a lot of less than six thousand (6,000) square feet.</b>
<b>3-12 Units</b>	<b>1 ,500 Square Feet / Unit</b>	<b>100 feet</b>	<b>20 feet</b>	<b>50' feet</b>	<b>Maximum Lot Coverage - 25%</b>
<b>12-25 Units</b>		<b>200 feet</b>	<b>20 feet**</b>	<b>35 feet</b>	<b>** Height Limit - 3 stories SIDE SETBACK EQUAL TO BUILDING HEIGHT</b>
<b>25-50 Units</b>		<b>350 feet</b>	<b>20 feet**</b>	<b>40 feet</b>	
<b>50+ Units</b>		<b>11 Feet/Unit</b>	<b>20 feet**</b>	<b>1 Feet/Unit</b>	

**SECTION 502: APPLICATION OF YARD REGULATIONS:**

**502.01.** Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, or where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yard(s) of the existing adjacent structure(s).

**502.02.** With the exception of open decks, 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 specifically noted in this Ordinance. Open decks may project four (4) feet into front or side yards and up to three (3) feet from the rear lot line.

**502.03.** A wall or fence under six (6) feet in height and paved terraces without walls, roofs of other enclosures may be erected no closer than 1'-foot from the property line. Fences within required yard areas or retaining walls and fences required for screening under this Ordinance are not subject to the six (6) foot high limitation. This does not apply to natural screening, trees or buffer yards as required by this Ordinance. Fences or hedges may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required vehicular line of sight at intersections.

**502.04.** Swimming pools and associated decks shall be permitted in rear yards only, provided that the pool is located not less than ten (10) feet from any side yard line and ten (10) feet from the rear yard line. Pumps, filtration devices and similar apparatus required by the pool shall lie within the side or rear yard area.

**502.05.** The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys,

elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural silos, standpipes, elevated water tanks, derricks and similar structures.

**502.06.** Essential services are exempt from all area and yard regulations.

### **SECTION 503: YARD REQUIREMENTS FOR ACCESSORY USES AND BUILDINGS:**

Unless otherwise noted in this Ordinance, accessory structures for single-family dwellings may be located in side or rear yard areas to within three (3) feet of a lot line. Otherwise, all accessory uses and structures shall meet all yard lot and area requirements.

**503.01.** In the I district - There shall be no storage between a building and the street frontage if storage space is otherwise available elsewhere on the lot.

**503.02.** Avocation Agriculture: It is envisioned that persons may wish to keep or raise animals such as sheep, goats, and horses for recreation or personal consumption. Such activities are a permitted accessory activity, to a single-family dwelling, provided:

- A. Such activities are conducted on lots of at least two (2) acres. All fences, structures, and enclosures shall be suitable construction and kept in a clear and sanitary condition.
- B. No run, fence line, or pasture is closer than fifteen (15) feet from neighboring lot lines.
- C. No building in which animals are kept is closer than fifty (50) feet from a neighboring lot line.

**ARTICLE 6: SIGN REGULATIONS**

**SECTION 600: ALL SIGNS ARE SUBJECT TO THE BOROUGH OF WHEATLAND SIGN ORDINANCE # \_\_\_ AS ADOPTED AND AMENDED.**

# **ARTICLE 7: OFF-STREET PARKING, LOADING AND STACKING REGULATIONS**

## **SECTION 700: APPLICABILITY**

Parking, loading and stacking spaces shall be provided in accordance with the specifications of this section in all zoning districts whenever:

- A. Any new use of land or structure(s) is established.
- B. An existing use of land or structure(s) is enlarged through addition of dwelling units, gross floor area, lot area, or other means.
- C. An existing use of land or structure is changed to a different use or a new use is added.
- D. Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.
- E. Parking areas shall be designed to provide for orderly and safe loading and parking.

## **SECTION 701: GENERAL PROVISIONS**

**701.01. Waiver of loading and parking requirements in Commercial districts.** – Uses that now or later occupy existing buildings in the identified zoning districts may not be required to comply with loading and parking requirements provided herein, nor shall they have to comply if being enlarged within an existing building or changed to a different use due to proximity of existing on-street parking.

**701.02. Shared use of required loading spaces** - In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa.

**701.03. Shared use of required parking spaces** -The Zoning Officer may allow shared use of parking spaces where it is satisfactorily proven that normal periods of use are staggered and will not result in conflicts, or sufficient on-street parking is provided within 300 feet of the proposed use.

**701.04. Interconnection of Off-Street Parking Areas** - To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parking areas through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located along. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.

## **SECTION 702: OFF-STREET PARKING**

Off-street parking shall be provided for every use as specified in this section.

**702.01. SIZE:** Minimum size of each standard public off-street parking space shall be not less ten (10) feet wide and eighteen (18) feet long, being at least one hundred eighty (180) square feet.

**702.02. ACCESS:** The standard size shall be exclusive of access drives or aisles (except that single-family dwellings may use driveways for off-street parking spaces), and shall be in usable shape and condition.

Public parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets or sidewalks.

- A. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street. Specifically, single-lane driveways shall be at least ten (10) feet wide but shall not exceed twelve (12) feet. Double drives (for ingress and egress) may be up to twenty-four (24) feet wide. All service drives must comply with engineering standards as reviewed by the Borough Zoning officer.
- B. Where an existing parking area does not abut on a public or private street, alley or easement of access, there shall be provided a lawful service drive leading to the parking or storage areas or loading spaces. Such lawful service drive shall not be less than ten (10) feet wide.
- C. With the exception of lawful service drives and approved parking spaces in parking areas or residential driveways, no motor vehicles shall be stored in front yard areas.

**702.03. LOCATION:** Required parking spaces shall be located on the same lot with the principal use except as provided otherwise in this ordinance.

The Zoning Officer may permit parking spaces to be dedicated and located not more than three hundred (300) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Zoning Officer finds that it is impractical to provide parking on the same lot with the principal use.

**702.04. NUMBER OF PARKING SPACES REQUIRED:** The number of off-street parking spaces required is set as follows:

- A. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.
- B. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure.
- C. Shared use of required parking spaces - Where more than one (1) use exists on a lot, parking regulations for each use must be met, except that the zoning officer may allow shared use of parking spaces where normal periods of use are proven to be staggered and will not result in conflicts.

- D. Parking areas that accompany development proposals containing parking spaces exceeding the minimum parking requirements by twenty (20) percent or more shall not be approved.
- E. Parking space requirements may include up to 30% of spaces as on-street public parking where it is available within 300' of the proposed use.
- F. The minimum number of off-street parking spaces required to be available for each use is specified below:

**TABLE 702**

<b>USES PERMITTED</b>	<b>REQUIRED PARKING SPACES</b>
Ambulance, Fire Rescue Service or Rescue Squad	Adequate space to accommodate all motor vehicles operated in connection with the use and 2 additional parking spaces per each such vehicle.
Automotive Repair Services and Garages	1 space per 300 sq. ft. of GFA plus 1 per employee on the largest shift
Automotive and/or Trailer Sales Establishments	1 space per 500 sq. ft. of enclosed sales/rental floor area, plus 1 space per 2,500 sq. ft. of open sales/rental display lot area, plus 1 space per employee but never less than 5 spaces
Banks and Offices (not elsewhere classified)	1 space for each 250 sq. ft. GFA
Bowling Alleys	5 spaces per alley
Bus Terminals and Train Stations	1 space per 4 seats in the station or terminal
Business Service and Supply Service Establishment	1 space for 300 sq. ft. of GFA
Car Wash	3 spaces per bay/stall plus 1 space per employee for self service or full service establishment
Churches	1 space per each 4 seats 1 space per 3 seats in the principal place of worship or one space per 200 sq. ft. GFA designed for a use other than services whichever is greater.
Clinics, Medical and Dental or Veterinary Office	6 spaces per doctor Or 1 space for each 200 sq. ft. of GFA
College or University	1 space per employee during peak employment shift and 0.5 space per student
Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 sq. ft. of public floor area 1 space per four (4) fixed seats
Convenience Store	1 space per 300 sq. ft. GFA
Day Care Center	1 space per caregiver/employee plus 1 additional space for each 10 clients

Dormitories, Fraternities/Sororities	1 space for each 2 rooms
Dwelling, Multiple-family	1.6 spaces per unit
Dwellings, Single-Family or Duplex	1 space per two bedrooms
Farm Stand	1 space per 100 sq. ft. of sales, display area, 3 space minimum
Fast Food/Drive-Through Restaurants	1 space per each 100 sq. ft. of GFA**
Food Supermarkets	1 space per each 200 sq. ft. of GFA
Funeral Home and Mortuaries	25 spaces for the first parlor 10 spaces for each additional parlor
Furniture Stores	1 space per each 500 sq. ft. of GFA
Gasoline Service Station/Repair Garages	1 space for each 200 sq. ft. of GFA
Golf, Miniature or Driving Range	2 spaces for ea hole or tee plus 1 space per 2 employees
Hospitals	1 space per each bed**
Indoor Commercial Recreation or Athletic Facility, Roller Rink	1 space for each 200 sq. ft. of GFA
Industrial and Manufacturing Establishments, Storage Yard, Lumber and Bldg. Material Yard, Motor Freight Terminal or Junk Yard	1 space per employee, on the largest shift, shift plus 1 space for each 10,000 sq. feet for visitors
Inns, Hotels and Motels, Bed and Breakfast	1 space per guest room** with additional spaces as required by combined uses.
Kennel	1 space per 500 sq. ft. of GFA including runs
Medical Care Facility	1 space per 2 patient beds plus 1 space per employee on largest shift
Manufactured and Mobile Home Parks	1.5 space per MH (average) plus 1 per 5 units for guest parking
Monument Sales	1 space per 500 sq. ft. of enclosed sales/rental floor area, plus 1 space per 2,500 sq. ft. of open sales/rental display lot area, plus 1 space per employee but never less than 5 spaces
Multiple-Family Dwelling	2 spaces per dwelling unit*
Museums, Library, Cultural Center or Similar Activity	1 space per each 500 sq. ft. of GFA**
Nursery/Greenhouses, Outdoor Commercial, Open Air Market	1 space per 1000 sq. ft. of sales area
Nursing Homes/Personal Care Homes	1 space per 3 residents plus 1 space for ea employee on largest shift



Office (unless otherwise provided for in this section)	1 space per 300 sq. ft. of GFA
Outdoor Recreation Facility	30 spaces per athletic field or 1 space per 1,500 sq. ft. of usable recreational space
Pool Halls	4 spaces per 1,000 square feet of GFA
Public Utility	1 space per 2 employees on largest shift plus 1 space per company vehicle normally stored on the premises
Restaurants, Taverns and Nightclubs	1 space for each 2.5 patron seats OR 1.5 spaces per 200 sq. ft. GFA
Retail Stores	1 space per each 225 sq. ft. GFA
Schools	1 space per each teacher and staff 1 space for each 4 classrooms plus 1 space for each 4 high school students
Self Storage, Mini Warehousing Establishments	1 space per 350 sq. ft. of GFA of office space associated with the use plus 1 space per employee
Service Stations	1 space for each 200 sq. ft. of GFA
Shopping Center	A. 250,000 sq. ft. of GFA or less – 1 space per 225 sq. ft. of GFA B. 250,000 sq. ft. of GFA or more – 1 space per 250 sq. ft. of GFA
Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 space per each 3 seats**
Vehicle Sales or Heavy Equipment, Rental and Services Establishment	1 space per 500 sq. ft. of enclosed sales, rental and office floor area plus 1 space per 2,500 sq. ft. of open sales/rental display lot area plus 2 spaces per service bay
Warehouses, Wholesale and Truck Terminals	1 space per employee on the largest shift plus 1 space for each 10,000 sq. feet for visitors
Wholesale Trade Establishment	1 space per 4,000 sq. ft. of GFA for the wholesale operation plus 1 space per 400 sq. ft. of accessory office space

NOTE: (Area references are to gross floor area (GFA) unless otherwise indicated)

\*one and one-half (1- 1/2) parking spaces per unit. Such uses must supply adequate proof they will be dedicated to elderly tenants and shall be required to follow normal parking standards if they revert to non-elderly use.

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

## SECTION 703: OFF-STREET LOADING SPACES

Commercial and industrial uses shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use.

**703.01.** Off-street loading 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, except that unless required by special exception or conditional use, all uses in the C-1 Commercial District are exempt from these provisions.

**703.02.** Otherwise lawful uses occupying an existing structure and making no physical changes to the buildings dimensions shall also be exempt, provided there are no conditional use or special exception requirements, and that there are adequate spaces to meet the requirements of the development as determined by the Zoning Officer.

**703.03. Shared use of required loading spaces** - In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading of one use be used to satisfy the loading space requirements of another use.

**703.04. SIZE:** Each off-street loading space shall be not less than twelve (12) feet in uniform width and sixty-five (65) feet in length, including fifteen (15) foot height clearance.

**703.05. ACCESS:** It shall be so designed so the vehicles using loading spaces do not block traffic on a public street or alley. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering and minimize impact on a public street or alley to use the space.

**703.06. LOCATION:** If any such space is located adjacent to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved in accordance with the construction standards. Section 705.

**703.07. NUMBER OF OFF-STREET LOADING SPACES REQUIRED:** Every use which requires the receipt or distribution, by vehicles, of material or merchandise, shall provide off-street loading docks in accordance with the gross floor area per the following table:

**TABLE 703 - OFF-STREET LOADING SPACE REQUIREMENTS**

USE	FIRST DOCK	SECOND DOCK
<b>INDUSTRIAL:</b>		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
<b>COMMERCIAL:</b>		

Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	10,000	100,000
Hotel	10,000	100,000
<b>INSTITUTIONAL:</b>		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
<b>CIVIC/CULTURAL BUILDINGS:</b>		
Auditoriums	30,000	100,000
Stadiums	30,000	100,000

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

## SECTION 704: OFF-STREET STACKING SPACES

Requirements for Drive-In, Drive-Through Facilities: All drive-in uses established hereafter shall provide accessory off-street stacking spaces in accordance with the following regulations.

These may include uses similar to banks, restaurants, and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets or alleys while queuing in line for service.

**704.01. SIZE:** Each space shall be a minimum length of twenty (20) feet per vehicle will be used to accommodate one (1) vehicle. Minimum stacking lane width is nine (9) feet.

**704.02. ACCESS:** All off-street stacking spaces shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension.

Stacking capacity is to be measured from the property line to the service window and is not to include any area of the public right-of-way.

Stacking spaces shall not impede traffic circulation.

**704.03. LOCATION:** All required off-street stacking spaces shall be located on the same lot as the use served.

No stacking space shall be located in a required front yard.

### **704.04. NUMBER OF STACKING SPACES REQUIRED:**

- A. Required off-street stacking spaces may be provided cooperatively for two (2) or more uses, subject to written agreements that will assure the permanent availability of such spaces.

B. Where the potential use of a building or site is undetermined at the time of application, the maximum number of spaces needed for a commercial use shall be required. See TABLE 704

C. Minimum off-street stacking spaces accessory to the uses hereinafter designated shall be provided as specified below:

**TABLE 704 - STACKING SPACE REQUIREMENTS**

<b>STACKING CAPABOROUGH BY USE</b>	<b>PER DRIVE-UP WINDOW</b>
Restaurant	* 8 per drive-up window
Bank	3 per drive-thru lane
Car Wash	2 per wash bay
Pharmacy	2 per drive-thru lane

\* The total required capacity may be shared between separate order and pick-up locations providing safe access to each.

D. For uses not listed above requiring direct vehicle access which results in vehicles waiting in line, a minimum of four (4) stacking spaces, of which one has to be prior to ordering station shall be required.

**SECTION 705: CONSTRUCTION STANDARDS**

To the greatest extent possible, all off-street parking, loading and stacking areas shall be designed to reduce the visual and environmental effects of large paved areas and shall include defined traffic patterns, landscaping screening along the perimeter of the parking area, manage storm runoff and provide for pedestrian safety.

**705.01.** With the exception of single-family and two-family dwellings or conversion apartments, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage of surface water. The plan for such parking areas shall be submitted, including drainage provisions, to the Borough Engineer for approval.

**705.02.** This Section provides requirements for all off-street parking areas or lots.

A. **SURFACING:** All off-street paved or surfaced areas, including aisles and driveways, shall be constructed and maintained with a dustless surface.

Driveways for residential use may be gravel or other surface provided storm runoff is managed on the property.

B. **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 or residential use, or to any

adjoining lot line adjacent to a school, hospital, or similar institution within a residential zoning district.

**705.03. Parking areas for the storage of five (5) or more vehicles in all Zoning Districts shall be constructed in compliance with the following minimum standards:**

- A. ENTRANCE AND/OR EXIT - Curb cut shall be a minimum of 20 feet for two-way traffic and 10 feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5-foot radius on each side. Ramps shall slope to street gutter.
- B. STRIPING - Each parking space shall be designated by 4 inch wide painted strips, ten foot center to center by 18 feet long, angled to best advantage for each of ingress and egress.
- C. BUMPERS - Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.
- D. 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 or use. Such planting strip shall be suitably landscaped and maintained.
  - 1. There shall be a planting strip of at least five feet between the front lot line and the parking area between all property lines and the parking to minimize storm water runoff.
  - 2. Where parking areas abut residential property on any side, adequate screening of car lights shall be provided by a thick hedge or fence a minimum of 4 feet height, not higher than 6 feet.
  - 3. At a minimum, such a planting shall consist of one (1) hardwood or coniferous tree per each four (4) spaces, or two (2) shrubs per each space, or a combination thereof. The balance of the planting strip may be maintained in annual plants or perennial grasses.
  - 4. At the time of planting, all shrubbery shall be a minimum of eighteen (18) inches in height as measured from the ground. Hardwood trees or coniferous trees shall be a minimum of thirty-six (36) inches in height as measured from the ground.
  - 5. Adequate landscape screening as required above shall be approved by the Zoning Officer.
- E. 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 residential use and away from roads or highways.
  - 1. Lighting shall not exceed 25' of height and shall be installed in accord with applicable codes.

2. All lighting fixtures used to illuminate any off-street paved or surfaced areas shall be designed to minimize glare.
3. Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in accord with applicable codes and shall not exceed 25' of height.

**705.04. Parking areas for the storage of fifty (50) or more vehicles in any Zoning District shall be constructed in compliance with additional standards:**

- A. Parking areas shall be hard surface asphalt, concrete or permeable pavement constructed in accord with acceptable engineering practice. Pavement design shall be directly related to projected traffic type and volumes (i.e., automobile, truck). Parking areas shall be so designed to meet the requirements of the Stormwater Management Ordinance.
- B. Parking areas containing more than forty thousand (40,000) square feet of impervious surface shall devote an additional eight percent (8%) of surface area to interior planting strips of sufficient size to accommodate landscape planting and stormwater management as required.
- C. In parking lots designed to accommodate 50 cars or more, clearly marked pedestrian ways from parking areas to building(s) shall be provided.

**SECTION 706: PARKING AND STORAGE OF RECREATIONAL EQUIPMENT AND COMMERCIAL VEHICLES LONGER THAN 20'**

**706.01. APPLICABILITY**

- A. **Recreational equipment** – For purposes of these regulations includes travel trailers, motor homes, camper/tent trailers, pickup campers or coaches, boats and boat trailers, and the like as well as cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
- B. **Commercial vehicle** – For purposes of these regulations is one (1) licensed truck-tractor or one (1) licensed trailer or a combination of one (1) licensed truck-tractor and one (1) licensed trailer that: a) has a gross weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); b) is designed to transport 16 or more persons including the driver; or c) is used to transport hazardous materials.

**706.02. PARKING OR STORAGE** – No major recreational equipment or non-agricultural commercial vehicle may be parked or stored on a lot in a residential district except in a garage or car port or behind the nearest portion of a building to a street, provided, however, that:

- A. Major recreational equipment may be parked anywhere on a residential lot for not more than twenty-four hours consecutive during loading or unloading.

B. No more than one (1) non-agricultural commercial vehicle may be parked or stored on a lot.

**706.03. OCCUPANCY** – No major recreational equipment or commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that travel trailers, motor homes, camper/tent trailers, pickup campers or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

A. The temporary parking or occupancy period shall not exceed seven (7) days at any location within the Borough.

**706.04. TRUCK AND TRAILER PARKING IN RESIDENTIALLY ZONED AREAS PROHIBITED:** No semi-tractor, trailer, or combination thereof, or similar vehicle having a registered gross weight in excess of seventeen thousand (17,000) pounds, which requires a commercial driver's license, shall be parked, either on-street or off-street in any area of the Borough designated as an R-Residential District unless said vehicle is either parked or stopped for the purpose of delivering or picking up merchandise or materials from a residence or commercial establishment in those districts, or a suitable off-street parking space is provided on a lot of greater than twenty thousand (20,000) square feet.

## **SECTION 707: DERELICTS**

No major recreation equipment or non-agricultural commercial vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it was intended.

## **ARTICLE 8: NON-CONFORMING USES, STRUCTURES & LOTS**

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

### **SECTION 800: INTENT AND STANDARDS**

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

- A. **Intent** – It is the intent of this ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.
- B. **Standard** – A non-conforming use of a structure, a non-conforming use of land, or a non-conforming structure shall not be extended or enlarged after passage of this ordinance by any means including attachment of additional signs to a building or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zoning district.
- C. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this zoning ordinance.

**800.02. Construction in progress** – Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof on which actual construction was lawfully begun and for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is completed within six (6) months from the date of issuance of the permit.

**800.03.** Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

**800.04.** 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 use which thereby becomes nonconforming.



## **SECTION 801: NON-CONFORMING LOTS OF RECORD**

**801.01.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance.

- A. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located.
- B. To prevent the overcrowding of housing, any land or building to be developed as multiple-family dwellings must conform to all area, height and yard regulations for the district in which it is located.
- C. Variance of yard requirements and other requirements, not involving area or width of lot, shall be obtained only through action of the Zoning Hearing Board.

**801.02.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance.

No portion of any parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

**801.03.** No provisions of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer, upon request, may grant a reduction in requirement for side yards and rear yards for lots of record which lack required lot width and/or required lot area. However, in no event may such yards be reduced by more than fifty percent (50%) required by the lot regulations for its district without approval of the Zoning Hearing Board.

## **SECTION 802: NON-CONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**802.01.** No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

**802.02.** No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

**802.03.** If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

### **SECTION 803: NON-CONFORMING USES OF STRUCTURES**

**803.01.** In the event that any nonconforming use conducted in a structure, ceases for voluntary reasons for a period of one (1) year, such nonconforming use shall not be resumed, and any further use shall be in conformity with the provisions of this Ordinance.

**803.02.** If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. If a nonconforming structure is reoccupied by any lawful use within that district, which involves no physical change to the structure's dimensions, all yard, lot and area requirements shall be waived.
- B. A building or structure hosting a nonconforming use by this ordinance in the district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered, except with the approval of the Board as a special exception.
- C. The use may be extended, enlarged or replaced if the floor area of the additional or expanded building space is less than fifty percent (50%) of the floor area of the building occupied by the nonconforming use before the expansion or enlargement.
- D. When the nonconforming use or structure requests changes to the structure, all yard, lot and area requirements shall apply for approval of the Board as a special exception.
- E. A non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**803.03.** If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use with the approval of the Zoning Hearing Board as a special exception, provided the new use less potentially injurious to the health, safety and welfare of its neighborhood, and the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards consistent with the provisions of this ordinance.

**803.04.** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

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

**803.05.** When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

## **SECTION 804: NON-CONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**804.01.** A structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board.

**804.02.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

## **SECTION 805: DAMAGE OF NON-CONFORMITIES**

Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. Reconstruction shall follow the procedure established for existing lots of record in this Ordinance.

## **SECTION 806: REPAIRS AND MAINTENANCE**

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance provided they obtain required permits and meet building code requirements.

## **SECTION 807: SPECIAL EXCEPTIONS AND CONDITIONAL USES NOT NON-CONFORMING USES**

Any use for which a special exception or conditional use is authorized as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

## **ARTICLE 9: ADMINISTRATION AND ENFORCEMENT**

### **SECTION 900: OFFICE OF ZONING OFFICER**

**900.01. Creation of office** – The Office of Zoning Officer is hereby created.

**900.02. Appointment** – The Zoning Officer shall be appointed by the Municipality as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Municipality shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Borough. The Zoning Officer shall not hold any elective office in the Borough.

**900.03. Official records** – An official record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

**900.04. Compensation of the zoning officer** – The compensation of the Zoning Officer shall be as determined by the Borough.

#### **900.05. Duties and powers of the Zoning Officer**

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

**900.06. Zoning permits and certificates of use and occupancy** – The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a conditional use shall be issued only upon approval of the Municipality. Zoning permits and certificates of use and occupancy for construction and uses which are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

**900.07. Annual report** – The Zoning Officer shall submit monthly plus an annual summary to the Municipality a report of all zoning permits and certificates of use and occupancy, notices issued, and orders.

**900.08. Inspections** – The Zoning Officer shall have the authority to examine or cause to be examined all structures and/or land for which an active or pending application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this zoning ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining permission from a responsible adult upon presentation of proper

identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

## **SECTION 901: APPLICATION FOR ZONING PERMIT AND CERTIFICATE OF USE AND OCCUPANCY**

**901.01. When zoning permit is required** – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

- A. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Borough of Wheatland.
- B. Construction, erection, enlargement, reconstruction, demolition, or structural alteration of any building, structure, and/or sign including placement of a mobile home on a property.
- C. An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine of \$25.00 shall be added to the cost of the zoning permit for failure to obtain a zoning permit before construction.

### **901.02. When a zoning permit is not required –**

Permits Not Required: Building and zoning permits are not required for:

- A. Steps, patios, flag poles, dog houses, and lawn and recreational equipment (such as swings, benches, picnic tables and ornamental objects).
- B. Minor repairs to existing buildings or structures including minor alterations to the interiors of buildings which do not affect the external form and size of a building, consistent with the permit exceptions of the Borough's various building codes.

### **901.03. Application for Permit:**

All applications for building and zoning permits shall be made, in writing, on a form furnished by the Borough and shall include *two copies of* a dated plot plan drawn as accurately as possible. This plan shall be scaled to a reasonable level of accuracy. The following information shall be provided:

1. Name, address and phone number of applicant and the landowner or landowners, and relationship of applicant to landowner.
2. Description of property, including geographic orientation.
3. Existing use of property.
4. Proposed use of property.

5. Zoning district.
6. Description of work contemplated.
7. Estimated cost.
8. Actual dimensions of the lot and dimensions and location of buildings or proposed additions (including such things as floor area, number of floors or stories, height, and other dimensions).
9. Existing and proposed setbacks.
10. Existing and proposed percent of lot coverage.
11. Location of all buildings and structures on abutting land within fifty (50) feet of the lot line.
12. Location of road access, curb cuts, and location and number of parking spaces and loading facilities, if applicable.
13. The number of dwelling units, if applicable.
14. Existing and proposed screening or buffering, including materials or plant types.
15. A statement that the applicant is the owner of the lot or a copy of a written agreement between the owner and the applicant to permit the proposed construction.
16. A statement regarding other permits required and whether they have been obtained.
17. All other information necessary for the Zoning Officer to determine compliance with this Ordinance and all other pertinent ordinances.

**901.04. When a certificate of use and occupancy is required** – It shall be unlawful to use and/or occupy any building, other structure and/or land for which a zoning permit is required until a certificate of use and occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer and may be on the same form.

**901.05. Forms of application** – The application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in this Ordinance.

A. Plot diagram – Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the Zoning Officer.

B. Additional application requirements for uses specified in Article IV – An application for a use specified in Article IV shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Article IV. If such use is a conditional use or special exception, further information and drawings may be required by the Municipality or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

**901.06. Amendments to a zoning permit** – Amendments to a zoning permit or other records accompanying it may be filed at any time before completion of the work. The Zoning Officer shall approve all such amendments except for those to zoning permits which have been authorized by action of the Municipality or Zoning Hearing Board in which case the Municipality or Board respectively shall approve any amendments. Amendments shall be deemed part of the original application.

**901.07. Expiration of zoning permits** – If work described in any zoning permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

## **SECTION 902: ACTION ON ZONING PERMITS AND CERTIFICATES OF USE AND OCCUPANCY**

**902.01. Action on zoning permit application** – The Zoning Officer shall act on all applications for zoning permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a zoning permit. The Zoning Officer shall also review the application to ensure that the proposed activities comply with the Municipal Floodplain Management Ordinance (**Ordinance No. \_\_\_\_\_**). If the application and preliminary inspection indicate compliance with the Zoning Ordinance and the Floodplain Management Ordinance, a zoning permit shall be issued. Disapproval of a zoning permit shall be in writing to the applicant.

**902.02. Posting of zoning permit** – The zoning permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.



**902.03. Revoking a zoning permit** – The Zoning Officer may revoke an issued zoning permit in case of any false statement in the application for the permit.

**902.04. Action upon completion** – Upon completion of the permitted work and prior to use and occupancy, the holder of the zoning permit shall notify the Zoning Officer of such completion. The Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved zoning permit and plans shall be recorded and presented in writing to the holder of the permit.

- A. If the Zoning Officer is satisfied that the completed work conforms to the issued zoning permit and complies with the Zoning Ordinance, he shall issue a certificate of use and occupancy for the use indicated in the zoning permit.
- B. The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice of completion of the permitted work.

### **SECTION 903: FEES**

**903.01. Payment of fees** – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Municipality have been paid.

**903.02. Exemptions** – Any accessory structure used solely for agricultural purposes or any building less than 50 square feet in floor area shall be exempt from payment of fees.

### **SECTION 904: VARIANCES, SPECIAL EXCEPTIONS AND CONDITIONAL USES:**

**904.01.** Uses permitted by special exception and variance are only permitted when approved by the Zoning Hearing Board in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

**904.02.** Uses permitted by conditional use are only permitted when approved by the Borough Council in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

**904.03. Applications:** Requests for variance, special exception or conditional use shall be first presented to the Zoning Officer for review by filing an application containing the information required. The Zoning Officer shall determine whether a variance, special exception or conditional use is necessary.

**904.04. Standards for Variance:** A variance may be granted where the provisions of the Ordinance inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood of district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
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.

**904.05. Standards for Special Exception:**

Special exceptions shall be granted where the following findings are made:

1. The use is permitted as a special exception under the terms of this Ordinance.
2. The specific criteria, if any, for allowing the use by special exception will be met.
3. The use, if permitted, will be consistent with the community and development objectives and plans, and suitable to the tract with respect to matters such as highway access, availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.

4. It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; that the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards; or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

**904.06. Standards for Conditional Use:** A conditional use permit shall be granted where the following findings are made:

1. The use is permitted as a conditional use under the terms of the Ordinance.
2. The specific criteria, if any, for allowing a conditional use will be met.
3. The use conforms with the community and economic development objectives; would be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located; and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
4. The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
5. The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, vibrations, smoke, dust, fumes, electrical disturbance, glare or odors; undue pollution of or danger to the air or water by dust, dirt, fumes, smoke, odor, radioactivity or other polluting substances.
6. The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards.
7. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.

8. The use will provide through maintenance of setbacks and screening by plantings, fences or other landscape features an effective buffer to roadways.

**904.07. Conditions:** The Zoning Hearing Board may approve variances and special exceptions and the Borough Council may approve conditional uses subject to reasonable and appropriate conditions.

**904.08. Expiration of Special Exceptions, Variances and Conditional Uses:** The validity of a special exception variance, or conditional use permit shall not exceed one (1) year from the date of authorization and shall expire if the applicant has failed to obtain other appropriate permits, and commence work or use as planned and approved within one (1) year.

## **SECTION 905: ENFORCEMENT NOTICE**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Municipal Secretary and Municipal Solicitor. As specified in the Planning Code, the enforcement notice shall state the nature and location of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

## **SECTION 906: PROSECUTION OF VIOLATION**

If the enforcement notice is not complied with, the Zoning Officer shall request that the Borough authorize the Municipal Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Planning Code (Act 247 of 1968, as amended).

## **ARTICLE 10: ZONING HEARING BOARD**

### **SECTION 1000: CREATION, MEMBERSHIP AND ORGANIZATION**

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

### **SECTION 1001: JURISDICTION AND FUNCTIONS**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **SECTION 1002: HEARINGS**

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **SECTION 1003: TERMINATION AND MODIFICATION OF PERMIT**

**1003.01.** Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

- A. Termination of permits – If after a permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued there under.
- B. Modification of a permit – Any permit so issued shall not be modified except by action of the Board.

### **SECTION 1004: PARTIES APPELLANT BEFORE THE BOARD**

**1004.01.** Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the Municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

#### **1004.02. Applications and fees**

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Borough of Wheatland and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

### **SECTION 1005: SPECIAL EXCEPTIONS**

**1005.01.** Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Zoning Hearing Board, the Board shall determine the reasonableness and propriety in particular cases of any below-listed special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its findings and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the special exception.

**1005.02. Other principal uses not explicitly permitted within a zoning district** – A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Borough of Wheatland.

## **ARTICLE 11: AMENDMENT**

### **SECTION 1100: PROCEDURE FOR AMENDMENTS**

The Zoning Ordinance or parts thereof may be amended by the Municipality in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

**1100.01. Initiation** – Any amendment may be initiated by:

- A. The Municipal Planning Commission.
- B. The Municipality.
- C. A notarized petition to the Borough of Wheatland by the owner of the property involved or by a party having legal interest therein.

**1100.02. Public review and input** – If and when considering an amendment and before voting on enactment, the Municipality shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:

- A. A public hearing on the proposed amendment.
- B. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land.
- C. Referral of the proposed amendment to the Municipal Planning Commission and the Mercer County Regional Planning Commission for review and comment.

**1100.03. Application form** – An application for amendment shall be submitted in a form prescribed by the Municipality containing the following minimum information:

- A. Name, address, and phone number of the applicant or his agent.
- B. The applicant's legal interest in the affected property(ies).
- C. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.

**1100.04. Fee** – Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Borough of Wheatland.

## **ARTICLE 12: APPEALS**

### **SECTION 1200: ZONING APPEALS**

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Municipality or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**ARTICLE 13: EFFECTIVE DATE**

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by the Borough of Wheatland, Mercer County, Pennsylvania.

**ARTICLE 14: ADOPTION**

We hereby certify that the Zoning Ordinance was adopted by the Borough of Wheatland, Mercer County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018.

\_\_\_\_\_, Mercer County, Pennsylvania

\_\_\_\_\_ (SEAL)

ATTEST:

\_\_\_\_\_ SECRETARY

\_\_\_\_\_ MAYOR / CHAIR OF BOROUGH COUNCIL

**ARTICLE 15: CERTIFICATION**

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_, adopted by the Borough of Wheatland, Mercer County, Pennsylvania on \_\_\_\_\_, A.D., 2018.

\_\_\_\_\_ SECRETARY