

May 20, 2024.1

TOWN OF BLOOMSBURG

ZONING ORDINANCE

MAY 20, 2024

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PART I

GENERAL PROVISIONS

§ 27-101 Purpose.

The fundamental purpose of this Chapter is: to promote the public safety, health, and general welfare; to encourage the most appropriate use of land throughout the Town; to prevent overcrowding of land and buildings; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate open spaces; to facilitate adequate provision of streets, water, treatment of sewerage, drainage and other public facilities; and to position future development, redevelopment, and infill to reflect the established characteristics of the Town of Bloomsburg.

§ 27-102 Community Development Objectives.

1. This chapter is designed to provide a legal basis and framework for implementing development goals and objectives for the Town of Bloomsburg established by the Town Council. The Town's overall goal is to ensure consistent and coordinated management of growth and existing development in order to accomplish the following community-wide objectives which will:
 - A. Promote the public health, safety, and wellbeing of Town residents in accordance with the Pennsylvania Municipalities Planning Code;
 - B. Create an environmentally healthy community by protecting, conserving and preserving sensitive natural resources;
 - C. Preserve community cultural features and resources;
 - D. Focus various forms of residential and nonresidential growth and development in the most appropriate areas in order to minimize land use conflicts and protect property values and investments;
 - E. Accommodate housing needs for all segments of the population;
 - F. Promote the efficient provision of public facilities and services;
 - G. Provide for a safe and convenient transportation network;
 - H. Encourage commercial development to help maintain the vitality of the local economy;
 - I. Reinforce the compatibility of scale and activity associated with the Town's institutional campuses and the overall community; and
 - J. Provide for recreational opportunities.

§ 27-103 Grant of Power.

§ 601 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), 53 P.S. § 10601, authorizes the Town of Bloomsburg Council to implement comprehensive plans or accomplish any of the purposes of Act 247 by enacting a Zoning Ordinance.

§ 27-104 Applicability.

This chapter provides that, within Town of Bloomsburg, in the County of Columbia, of the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered except in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located.

§ 27-105 Interpretation.

1. In the event of conflicts between the provisions of this Chapter and any other ordinance or regulation, the more restrictive provisions shall apply.
2. In interpreting and applying this Chapter, its provisions shall be considered minimum requirements adopted for the promotion of the health, safety, and general welfare of the public.
3. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Town of Bloomsburg, in favor of the landowner and/or developer and against any implied extension of the restriction.
4. Where any provision of this Chapter incorporates by reference the provisions of other chapters (or articles or sections thereof) of the Town of Bloomsburg Municipal Code, such referred to and incorporated by reference provisions shall be, for the purposes of this Chapter, deemed to be fully applicable to the activities and usages regulated by this Chapter in the same manner and to the same degree as if said referred-to and incorporated provisions of such other chapters (or articles or sections thereof) were set forth in at length herein in their entirety.

§ 27-106 County Authority.

The Columbia County Commissioners' Office of Planning and Development is empowered by the Pennsylvania Municipalities Planning Code, Act 247, 53 P.S. § 10101 et seq., as amended, to submit its recommendations on the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof.

§ 27-107 How to Use this Ordinance.

1. This Zoning Ordinance presents a straight-forward set of regulatory provisions related to retaining cohesive form and function of lot development within the Town.
2. Many of the requirements for proposed development within the Town are summarized on the land use and dimensional tables within Part III. These tables include key development relationship pertaining to permitted land uses, dimensional standards, and additional development information applicable to the property. As the relationship of buildings and streets is the foundation of the community, the way in which a lot presents its street wall as well as the way in which it is accessed by pedestrians and vehicles alike will enable the Town to maintain the development continuity of established development patterns. The other Parts of the Ordinance provide additional provisions related to zoning and land use.
3. To navigate through this Ordinance and determine the zoning parameters for any specific lot situated within the Town, an Applicant should review and complete the following general steps:

- a. Step 1: The Zoning Map illustrates the location of each parcel in its particular assigned Zoning District.

In which Base Zoning District is my lot located? See the Town's Official Map

What Overlays apply to my lot? See the Town's Official Map

- b. Step 2: Certain land uses are permissible in each Base Zoning District.

What land uses are permitted on my lot? See § 27-303

What is the basic minimum lot size? See §§ 27-304 – 27-314, depending on your Zoning District

4. Step 3: Certain land uses require additional criteria to be met as part of the Town's Special Exception approval process. To find out if your particular land use requires special exception approval, first check the land use tables included in § 27-303, which reference the Section number where additional criteria for applicable land uses are located.

How do I find out if my land use requires special exception approval? Check the land use tables in § 27-303

How do I file for a Special Exception? See §§ 27-602 and 27-905.3.

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- a. Step 4: In addition to any use-specific criteria, Part V – Supplemental Regulations and Part VII – Signage outlines a general set of regulations that may or may not apply to your specific lot.

What are the off-street parking requirements related to my lot? See § 27-511

Can I have a sign? See § 27-704

- b. Step 5: Most land uses require a zoning permit.

How do I know if I need a Zoning Permit? See § 27-1006

What steps are required for me to acquire a Zoning Permit? See § 27-1006.2

§ 27-108 Reserved.

PART II

DESIGNATION OF DISTRICTS

§ 27-201 Zoning Districts.

For the purposes of this chapter, the Town of Bloomsburg is hereby divided into districts which shall be designated, as follows:

Table 1. Zoning District Designations

Abbreviation	District Name
R-C	Residential Conservation
R-S	Residential Suburban
R-U	Residential Urban
C-R	Commercial Residential
C-W	Commercial Warehouse
I-P	Industrial Park
IN	Institutional
BC	Business Campus
MX-1	Mixed Use 1
MX-2	Mixed Use 2
MX-3	Mixed Use 3

§ 27-202 Zoning District Purpose Statements.

1. *R-C Residential Conservation District.* The purpose of the Residential Conservation (R-C) District is to encourage the continued use of the land for agricultural, conservation, open space, and low-density residential development.
2. *R-S Residential Suburban District.* The purpose of the Residential Suburban (R-S) District is to provide for the orderly expansion of suburban-type residential development, to prevent the overcrowding of the land through the application of maximum housing densities, to provide standards which will encourage the installation of public facilities and the preservation of public open space, to exclude activities of a commercial or industrial nature and any activities not compatible with residential development, to provide an environment for traditional families comprising related individuals and to provide for the public convenience and to avoid undue congestion on the roads.
3. *R-U Residential Urban District.* The purpose of the Residential Urban (R-U) District is to encourage the orderly development and preservation of existing built-up residential sections of the community by providing public facilities necessary for the health, welfare and general convenience of the population; to prevent overcrowding of the land by restricting maximum housing densities; to preserve public open space; to limit activities of

a commercial nature and exclude activities of an industrial nature and any activities not compatible with the residential environment; to provide for the public convenience; and to avoid undue congestion on the roads.

4. *C-R Commercial Residential District.* The purpose of the Commercial Residential (C-R) District is to encourage development that provides goods and services in a predominantly residential neighborhood while accommodating the Town's established character. The facilities shall be designed to minimize traffic congestion on the streets, to provide for the public convenience, and to harmonize adjoining commercial and residential uses.
5. *C-W Commercial Warehouse District.* The purpose of the Commercial Warehouse (C-W) District is to facilitate the receipt of raw material and the distribution of finished products through the establishment of warehouses, storage areas, loading, and unloading facilities.
6. *I-P Industrial Park District.* The purpose of the Industrial Park District is to permit and encourage industrial development and growth, to constitute a harmonious and appropriate part of the physical development of the Town, to contribute to a sound economic base of the Town and to promote the appropriate development of the district by minimizing air and water pollution, noise, glare, heat, vibration, fire, and safety hazards.
7. *IN Institutional District.* The purpose of the Institutional (IN) District is to 1) recognize the significance of higher education institutions within the Town, 2) facilitate a consolidated zoning process where permitting and land uses encourage the continued growth and development of existing university and health care facilities, and 3) encourage the design and development of these areas as an integrated campus.
8. *BC Business Campus District.* The purpose of the Business Campus District is to encourage the development of an area that provides goods and services in a predominantly mixed- use setting accommodating continued operation and redevelopment of business locations and providing for light industrial activities involving generally unobtrusive processes that do not produce significant noise, smoke, odor, dust, vibration, or glare typical of more-intensive industries.
9. *MX-1 Mixed Use 1 District.* The purpose of the Mixed Use 1 District is to encourage the orderly development of commercial and residential uses usually associated with a historic main street and central business district.
10. *MX-2 Mixed Use 2 District.* The purpose of the Mixed Use 2 District is to provide reasonable standards for the development of commercial uses along major arterial roads and where, due to the character of undeveloped land, the development of such uses is feasible. The standards of this district are designed to separate access roads from thoroughfares, to minimize traffic congestion, and to provide buffer yards and screen plantings where appropriate.

11. *MX-3 Mixed Use 3 District.* The purpose of the Mixed Use 3 District is to align future residential and non-residential development and redevelopment, to complement said development and redevelopment with adjacent established character and patterns, and to protect lands within floodways and natural resource areas.

§ 27-203 Official Zoning Map.

1. The Town is hereby divided into zones, or zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.
2. Upon vote of full Town Council, the Official Zoning Map shall be identified by the signature of the Mayor, properly attested and shall bear the Town Seal. No changes of any nature shall be made in the official Zoning Map except in conformance with the procedures set forth in Part X: Administration and Enforcement.

§ 27-204 Interpretation of Boundaries.

1. District boundary lines are intended to follow or be parallel to the center line of streets, alleys, streams and railroads and lot or property lines as they exist on a recorded deed or plan of record in the Columbia County Recorder of Deeds Office at the time of the adoption of this Chapter, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
3. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Map or by survey of a registered surveyor hired and paid for by the property owner questioning or contesting the boundary location.
4. In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map as to the location of specific district boundaries.

§ 27-205 Zoning Classifications.

1. When generally referring to multiple districts, the following language shall apply to the respective zoning districts:
 - A. “Residential”

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- (1) R-C Residential Conservation
 - (2) R-S Residential Suburban
 - (3) R-U Residential Urban
 - (4) C-R Commercial Residential
- B. “Mixed Use” or “Commercial” Districts
 - (1) MX-1 Mixed Use 1
 - (2) MX-2 Mixed Use 2
 - (3) MX-3 Mixed Use 3
 - (4) BC Business Campus
- B. “Industrial” Districts
 - (1) I-P Industrial Park
 - (2) C-W Commercial Warehouse
- C. “Educational” or “Institutional” Districts
 - (1) IN Institutional
- D. Overlay Districts
 - (1) AO Airport Overlay

§ 27-206 Exemptions.

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by the Pennsylvania Public Utility Commission, as authorized by the Commonwealth of Pennsylvania.

§ 27-207 Reserved.

PART III
BASE ZONING DISTRICT REGULATIONS

§ 27-301 Application of District Regulations.

The following sections shall apply to base zoning districts within the Town of Bloomsburg.

§ 27-302 Zoning District Quick Views.

1. The following items related to each zoning district are included within each of the Zoning District Quick View reference worksheets, which, following the adoption date of this Ordinance, are available on file at the Town Hall Office:
 - A. Principal uses permitted by right, by conditional use, or by special exception.
 - B. Accessory uses permitted by right, by conditional use, or by special exception.
 - C. Zoning District Dimensional Requirements.

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Schedule A: Town of Bloomsburg Land Use Table

P = Permitted by Right

SE = Special Exception

☐ = Not Permissible

Accessory Use (see § 27-502)		R-C	R-S	R-U	C-R	MX-1	MX-2	MX-3	C-W	IN	BC	IP
	Commercial Land Uses											
	Animal Hospital	P					P					
	Animal Kennel	P										
	Automobile and/or Mobilehome Sales						P					
	Automobile or Gasoline Service Station (see § 27-605.5.)					SE	P					P
	Automobile Washing (Car Wash)						P					
	Automotive Repair						P		P			
	Bakery					P	P	P				
	Bank/Financial Institution					P	P				P	
	Bed and Breakfast (see § 27-605.6.)	SE	SE	SE	SE							
	Beverage Distribution					P	P	P				
	Brewery Pub/Tap Room				P	P	P	P	P		P	
	Building Supply Establishment							P	P			P
	Bulk Merchandise						P					
	Cafeteria											P
	Convenience Store						P	P	P		P	
Accessory	Drive-in/Drive-thru						P			P	P	
	Dry-Cleaning Establishment				P		P					
	Gymnasium									P		
	Health/Fitness Club				P	P	P	P	P	P	P	
	Home and Garden Center						P					
	Home Improvement/Building Supply						P					
Accessory	Home Occupation (see § 27-605.18.)	SE	SE	SE	SE	SE	SE		SE			
Accessory	Home-Based Business, No-Impact	P	P	P	P	P	P	P	P	P	P	P
	Hotel (see § 27-605.20.)					SE	P	P			P	
	Mortuary (see § 27-605.22.)				SE	SE					SE	
	Motel, Motor or Tourist Court (see § 27-605.23.)					SE	P				P	
	Office, Business and Professional				P	P	P	P	P		P	
	Personal Service Establishment				P	P	P			P	P	
	Pharmacy				P	P	P	P	P	P		
	Professional Massage Establishment				P	P	P			P	P	

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Schedule A: Town of Bloomsburg Land Use Table

P = Permitted by Right

SE = Special Exception

 = Not Permissible

	Restaurant				P	P	P	P	P		P	
	Restaurant, Café				P	P	P	P	P		P	
	Restaurant, Carryout				P	P	P	P	P		P	
	Retail Establishment				P	P	P		P		P	
	Riding Academy	P							P			
	Stadium									P		
	Studio, Commercial				P	P	P					
	Tavern				P	P	P					
	Theater, Indoor Movie					P	P				P	
	Theater, Outdoor Drive-in							P				

Accessory Use (see § 27-502)		R-C	R-S	R-U	C-R	MX-1	MX-2	MX-3	C-W	IN	BC	IP
	Industrial Land Uses											
	Contractor Storage Yard							P		P		P
	Distribution Center (see § 27-605.12.)							SE		P		SE
	Laundry and/or Dry-Cleaning Plant							P	P			P
	Manufacturing, Heavy							SE				P
	Manufacturing, Light							P		P		P
	Natural Resource Production (see § 27-605.25.)	SE										SE
	Self-Service Storage Facility							SE	P	P		P
	Warehouse							P	P		P	P
	Welding, Machine and Printing Shops							SE	P	P		P
	Wholesale							SE	P	P		P

[illegible]

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Schedule A: Town of Bloomsburg Land Use Table

P = Permitted by Right

SE = Special Exception

 = Not Permissible

[illegible]

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Schedule A: Town of Bloomsburg Land Use Table

P = Permitted by Right

SE = Special Exception

 = Not Permissible

[illegible]

§ 27-304 Specific Regulations for the R-C Residential Conservation District.

1. Dimensional Standards.

MINIMUM LOT AREA	20,000 sqft.
MINIMUM LOT WIDTH	100 ft
MAXIMUM BUILDING HEIGHT	
All Structures*	35 ft
MAXIMUM LOT COVERAGE	20%
MINIMUM YARD SETBACK	
Front Yard	30 ft
Side Yard	15 ft
Rear Yard	30 ft

**or no more than three (3) stories*

§ 27-305 Specific Regulations for the R-S Residential Suburban District.

Dimensional Standards.

LOT AREA MINIMUM	7,500 sqft.
LOT WIDTH MINIMUM	75 ft
BUILDING HEIGHT MAXIMUM	
All Structures*	35 ft
LOT COVERAGE MAXIMUM	30%
YARD SETBACK MINIMUM	
Front Yard	25 ft
Side Yard	8 ft
Rear Yard	20 ft

**or no more than three (3) stories*

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§ 27-306 Specific Regulations for the R-U Residential Urban District.

1. Dimensional Standards.

LOT AREA MINIMUM	3,000 sqft.
LOT WIDTH MINIMUM	30 ft
BUILDING HEIGHT MAXIMUM*	
All Structures	50 ft
LOT COVERAGE MAXIMUM	60%
YARD SETBACK MINIMUM	
Front Yard	5 ft
Side Yard	5 ft
Rear Yard	5 ft

**See Also §522.*

2. Dimensional Standards for Specific Land Uses.

LAND USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
Single-Family Detached	3,000 sqft./D.U.	40 ft
Duplex	5,000 sqft.	50 ft
Apartment Building	2,000 sqft./D.U	40 ft

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§ 27-307 Specific Regulations for the C-R Commercial Residential District.

1. Dimensional Standards.

MINIMUM LOT AREA	4,000 sqft.
MINIMUM LOT WIDTH	50 ft
MAXIMUM BUILDING HEIGHT	
All Structures	35 ft
MAXIMUM LOT COVERAGE	100%
MINIMUM YARD SETBACK	
Front Yard	no minimum
Side Yard	5 ft
Rear Yard	5 ft

Dimensional Standards for Specific Land Uses.

LAND USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
Single-Family Detached	4,000 sqft./D.U.	40 ft
Duplex	5,000 sqft.	50 ft
Apartment Building	2,000 sqft./D.U	40 ft
Commercial Uses	3,000 sqft, with the maximum floor area limited to 50% of the gross lot area.	40 ft

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§ 27-308 Specific Regulations for the C-W Commercial Warehouse District.

1. Dimensional Standards.

MINIMUM LOT AREA	7,000 sqft.
MINIMUM LOT WIDTH	70 ft
MAXIMUM BUILDING HEIGHT	
All Structures*	50 ft
MAXIMUM LOT COVERAGE	60%
MINIMUM YARD SETBACK	
Front Yard	no minimum
Side Yard	10 ft
Rear Yard	15 ft

**or no more than five (5) stories*

§ 27-309 Specific Regulations for the I-P Industrial Park District.

1. Dimensional Standards.

MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	150 ft
MAXIMUM BUILDING HEIGHT	
All Structures*	80 ft
MAXIMUM LOT COVERAGE	60%
MINIMUM YARD SETBACK	
Front Yard	50 ft
Side Yard	25 ft
Rear Yard	25 ft

**or no more than seven (7) stories*

§ 27-310 Specific Regulations for the IN Institutional District.

1. Dimensional Standards for Lots. The following dimensional standards shall apply to any development lots:

MIN. TRACT AREA	10 acres
MIN. LOT AREA	1 acre
MIN. LOT WIDTH	150 ft
MAX. BUILDING HEIGHT	
All Structures*	120 ft
MAX. LOT COVERAGE	70%
MIN. YARD SETBACK	
Front Yard	10 ft
Side Yard	10 ft
Rear Yard	25 ft
MIN. SEPARATION BETWEEN PRINCIPAL STRUCTURES	30 ft

2. Buffer Areas Adjacent to Residential Uses or Districts (R-C, R-S, and R-U).
 - A. A buffer area of thirty-five (35) feet measured from the exterior boundary line of the tract shall be required where the tract abuts a residential use or a residential district or where the tract abuts a public street when the opposite side of the street is a residential district or use.
 - B. The buffer area may be reduced up to a maximum of twenty-five (25) feet with the provision of a planted berm within the buffer.
 - C. No structures, buildings, parking lots and/or athletic fields shall be allowed within the buffer areas abutting residential uses or residential districts.
3. Buffer Areas Adjacent to Nonresidential Uses or Districts (C-R, MX-1, MX-2, C-W, MX-3, I-P).
 - A. A buffer area of twenty-five (25) feet measured from the exterior boundary line of the tract shall be required where the tract abuts a nonresidential use or a nonresidential district or where the tract abuts a public street when the opposite side of the street is a nonresidential district or use.
4. Landscaping/Buffer Yards and Screening.
 - A. Screening shall be required in the buffer areas adjacent to residential districts and uses in accordance with the Bloomsburg Subdivision and Land Development Ordinance [Chapter 22].
5. Development Plans. In addition to the requirements set forth in the Town of Bloomsburg Subdivision and Land Development Ordinance [Chapter 22], the developer of the property shall provide the following information at the time of land development.
 - A. The location, use and ground area of each proposed building and other structure.

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- B. The location, dimensions, arrangement and proposed use of all open spaces, yards, access drives and interior roadways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian and nonmotorized vehicular ways and buffer yards.
- C. The capacity for all areas to be used for parking and loading.
- D. The character of the buffer area and screening devices, including the dimensions and arrangements of all areas devoted to planting lawns or trees.
- E. A plan for lighting, providing location and type of lighting for walkways and parking lots.
- F. A plan for directional signage to increase mobility and accessibility.
- G. A statement regarding the traffic impact on the interior and exterior roadway network and the ability of the roadway systems to handle the traffic and a description of necessary improvements to roadway capacity or other roadway deficiencies.

6. Off-Street Parking.

- A. Off-street parking regulations shall be permitted in accordance with the Town of Bloomsburg Subdivision and Land Development Ordinance [Chapter 22] and § 27-511, “Off-Street Parking and Loading.”
- B. All or part of the required off-street parking spaces required for two (2) or more uses may be provided within shared parking areas (parking lots, garages; provided, that the total number of the spaces is not less than the sum of the spaces required for each individual use.

§ 27-311 Specific Regulations for the BC Business Campus District.

1. Dimensional Standards.

- A. Lot Area and Width. The lot area and width shall not be less than indicated below:

Use Type	Lot Area	Lot Width
Single-unit dwelling	1,000 square feet per dwelling unit	14 feet
Two-unit dwelling	2,000 square feet per dwelling unit	28 feet
Multi-unit dwelling	2,000 square feet per dwelling unit	--
Other uses	3,000 square feet per dwelling unit	28 feet

NOTES:

*In no case shall the minimum lot area be less than 7,000 square feet for multiple-unit dwellings; however, structures designed to house 15 or more dwelling units for couples and/or individuals shall be provided with a lot area not less than 450 square feet per dwelling unit.

- B. Lot Coverage. All buildings, including accessory buildings, may cover the entire lot except for the required areas of building setback.
- C. Building Height. No building shall be erected to a height in excess of 65 feet.
- D. Yards, Minimum.
 - (1) Front yard: five feet.
 - (2) Side yards: five feet; provided, however, that this requirement is not applicable to individual units in multiple-unit dwellings as provided in § 27-302.
 - (3) Rear yard: five feet.
 - (4) For buildings that exceed 50 feet in height, ten-foot front, side, and rear yard setbacks shall be required.
 - (5) No side yard setbacks shall be required for interior lots. All other setbacks shall be required.

§ 27-312 Specific Regulations for the MX-1 Mixed Use 1 District.

1. For lots within the MX-1 District that do not front onto Main Street.

LOT AREA MINIMUM	Minimum	3,000 sqft.
	Maximum	1 acre
LOT WIDTH MINIMUM		30 ft
BUILDING HEIGHT		
All Structures	Minimum*	25 ft
	Maximum**	65 ft
LOT COVERAGE MAXIMUM		100%
YARD SETBACK		
Front Yard*		0 ft
Side Yard		0 ft
Rear Yard		0 ft

**or no less than two (2) stories*

***or no more than six (6) stories*

2. For lots within the MX-1 District that front onto Main Street. See additional requirements in § 27-521.

LOT AREA MINIMUM	Minimum	3,000 sqft.
	Maximum	1 acre
LOT WIDTH MINIMUM		30 ft
BUILDING HEIGHT		
All Structures	Minimum*	25 ft
	Maximum**	65 ft
LOT COVERAGE MAXIMUM		100%
YARD SETBACK		
Front Yard*		0 ft
Side Yard		0 ft
Rear Yard		0 ft

**or no less than two (2) stories*

***or no more than six (6) stories*

May 20, 2024

§ 27-313 Specific Regulations for the MX-2 Mixed Use 2 District.

1. Dimensional Standards.

MINIMUM LOT AREA	12,000 sqft.
MINIMUM LOT WIDTH	100 ft
MAXIMUM BUILDING HEIGHT	
All Structures*	50 ft
MAXIMUM LOT COVERAGE	50%
MINIMUM YARD SETBACK	
Front Yard	30 ft
Side Yard	10 ft
Rear Yard	30 ft

**or no more than five (5) stories*

May 20, 2024

§ 27-314 Specific Regulations for the MX-3 Mixed Use 3 District.

1. Dimensional Standards.

MINIMUM LOT AREA	7,000 sqft.
MINIMUM LOT WIDTH	70 ft
MAXIMUM BUILDING HEIGHT	
All Structures	65 ft
MAXIMUM LOT COVERAGE	Max. 2.0 FAR**
MINIMUM YARD SETBACK	
Front Yard	25 ft
Side Yard	25 ft
Rear Yard	25 ft

**or no more than six (6) stories.*

**Floor Area Ratio

§ 27-315 Reserved.

PART IV
OVERLAY DISTRICT REGULATIONS

§ 27-401 Airport Overlay.

1. Purpose. The purpose of these provisions is to provide for regulations and restrictions on the height of structures and objects of natural growth and on the use of property in the vicinity of the Bloomsburg Municipal Airport because:
 - A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the airport.
 - B. It is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
 - C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
 - D. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking or lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.
2. Definitions Used in this Section (See Part XI Definitions).
 - A. Airport.
 - B. Airport Elevation.
 - C. Approach Surface.
 - D. Approach, Transitional, Horizontal and Conical Overlay Zones.
 - E. Conical Surface.
 - F. Hazard to Air Navigation.
 - G. Height.
 - H. Horizontal Surface.
 - I. Nonprecision Instrument Runway.
 - J. Obstruction.
 - K. Primary Surface.
 - L. Runway.

- M. Transitional Surfaces.
 - N. Tree.
 - O. Utility Runway.
3. Description of Airport Zones. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces as they apply to the Bloomsburg Municipal Airport. Such zones are shown as overlay zones to the existing zoning districts as shown on the Town of Bloomsburg Zoning Map, which is attached to this Chapter and made a part hereof. An area located in more than one of the following Airport Zones is considered to be only in the airport zone with the more restrictive height limitation; such height limitation shall serve as a supplement to the underlying district regulations. The various airport zones are hereby established and defined as follows:
- A. Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
 - B. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
 - C. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - D. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
4. Airport Zone Height Limitations. Except as otherwise provided in this Chapter, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any Airport Zone to a height in excess of the applicable height limit herein established for such airport zone. Such applicable height limitations are hereby established for each of the zones as follows:
- A. Utility Runway Nonprecision Instrument Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

- B. Transitional Zones. Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 482.2 feet above mean sea level (MSL). In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
 - C. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 632.2 feet above mean sea level (MSL).
 - D. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or 832.2 feet above mean sea level (MSL).
 - E. Excepted Height Limitations. Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 65 feet above the surface of the land.
5. Use Restrictions. Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
6. Nonconforming Uses in Airport Zones.
- A. Regulations Not Retroactive. The regulations prescribed shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter or otherwise interfere with the continuance of nonconforming uses. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter and is diligently prosecuted.
 - B. Marking and Lighting: Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Hearing Board to indicate to operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers

and lights shall be installed, operated and maintained at the expense of the Town of Bloomsburg.

7. Permits.

- A. Proposed Uses. Except as specifically provided in subsections (a), (b) and (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any airport zone hereby created unless the Applicant submits for a permit and the Town affirmatively grants said Application. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with (d) below.
- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - (3) In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.
 - (4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in (4)(e) above.
- B. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- C. Nonconforming Uses Abandoned or Destroyed: Whenever the Town Council, after review and recommendation by the Planning Commission, determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this Chapter, may apply to the Zoning Hearing Board for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that all the criteria for granting relief are met, in accordance with § 27-905 of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board unless a copy of the application has been furnished to the Bloomsburg Municipal Airport Director for advice as to the aeronautical effects of the variance. If the Director does not respond to the application within 15 days after receipt, the Board may act on its own to grant or deny such application.
- E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Town of Bloomsburg, at its own expense, to install, operate and maintain the necessary markings and lights.

§ 27-402 Reserved.

PART V
SUPPLEMENTAL REGULATIONS

§ 27-501 Limit of One Principal Use.

1. In the R-C, R-S, and R-U, there shall only be one (1) principal use per lot.

§ 27-501.1 Exemptions for Required Setbacks.

1. Where an Apartment Building is located on more than one (1) lot, the yard setback requirements contained in this Chapter shall not apply to the interior-facing and abutting yards that the building encroaches.

§ 27-502 Use Specific Regulations.

1. Adult Day Care. Where permitted by right, Adult Day Care Center may be established subject to the following requirements:
 - A. Passenger "drop-off and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - B. All day-care facilities shall obtain and maintain proper license and credentials from the Commonwealth of Pennsylvania.
 - C. Common open space shall be provided. The minimum area for outdoor space shall equal 100 square feet for each individual at maximum enrollment.
 - D. Off-street parking areas will not constitute nor be used for outdoor activity area.
 - E. Common open space shall not be located in any front yard.
 - F. Common open space shall be enclosed by a fence that is four feet in height constructed in accordance with this chapter and screened with the applicable bufferyard requirements of this chapter.
 - G. All Common open space shall be accommodated with shade trees or pavilions to provide shade.
2. Agriculture Operation. In districts where permitted, agricultural shall be subject to the following safeguards and regulations:
 - A. Enclosed structures in which livestock or poultry are kept, including the storage of manure, shall not be erected within fifty (50) feet of any lot line.
 - B. Heated greenhouses, whether heated by coal or wood, shall not be operated within 100 feet of any residential district boundary and greenhouses heated by natural gas or oil shall not be operated within 50 feet of any residential district boundary.

- C. The selling of products raised, bred or grown on the premises shall be permitted provided that all temporary stands or shelters shall be constructed in accordance with applicable building and fire codes.
- 3. Child Care Center. In districts where permitted, nonhome commercial child day care facilities may be established subject to the following requirements:
 - A. Passenger "drop-off and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - B. Outdoor and indoor play areas for children shall be provided. The minimum area for outdoor recreation space shall equal 65 square feet for each individual at maximum enrollment. The minimum indoor area is 65 square feet for each individual at maximum enrollment.
 - C. Off-street parking areas will not constitute nor be used for outdoor activity area.
 - D. Outdoor play areas shall be setback at least 10 feet from any street right-of-way.
 - E. Outdoor play areas shall be enclosed by a fence that is four feet in height constructed in accordance with this Chapter.
- 4. Distribution Center.
 - A. Required Buffer Yards.
 - (1) Along any boundary line of a residential lot or residential district, a minimum 150-foot buffer yard shall be provided within the subject parcel, measured from the district boundary line or adjacent lot line, which ever may apply.
 - (a) If a street constitutes the boundary line between districts or lots, the yard shall be measured from the street line.
 - (b) At least fifty (50) feet of such buffer yard width shall be used only as a planting strip in accordance with § 27-504.
 - (c) The rest of the buffer yard width may be used for off-street parking or for any purpose other than a building or accessory structure.
 - (2) Where the footprint of a proposed principal building is greater than 250,000 square feet:
 - (a) A minimum 250-foot buffer yard shall be provided along the entire length of the street frontage of any property upon which a building is located.
 - (b) A minimum 250-foot buffer yard shall be provided along any property line which abuts or is within 500 feet of an existing residential property line or

zoning district, school, child care center, hospital, place of worship/assembly, or public park.

- (3) An Earth Berm shall be constructed within the required buffer yard along the street frontage and in accordance with §27-504.2.

B. Minimum Planting Requirements.

- (1) Plantings shall be arranged to provide a complete visual screen of the principal building of at least fourteen (14) feet in height (measured in addition to the height of the required Earth Berm).

C. See § 27-510 – Performance Standards.

- D. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.

- E. No loud speakers shall be permitted outside any enclosed structures.

- F. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.

- G. No warehouse or storage building, or part thereof, may be used for a dwelling purpose at any time.

5. Fire Stations, Fire Company Social Hall, or Fire Company. When listed in a district as a permitted use, Fire Stations, Fire Company Social Hall, or Fire Company shall also include associated supporting non-emergency response events and activity spaces. Said use(s) comply with the following:

- A. A minimum buffer of 15 feet shall be required between a Fire Station and or Fire Company Social Hall and a Residential use or district.

- B. Height restrictions shall meet the current zoning district requirements.

- C. A maximum of 75 percent of the area of the lot shall be covered by buildings, structures, and impervious surfaces.

- D. Fire Stations and Fire Companies hours of operation are permitted to be 24 hours/day and seven (7) days/week.

- E. Fire Station, and Fire Company Social Hall may operate any additional uses permitted by the underlying district for the direct profit of the Fire Company.

- F. Does not include other properties owned, operated, under the control of or leased by the Fire Company.

- H. Fire Company Social Hall may operate Meetings for Municipal and Fire Company Use.

- I. Fire Company Social Hall may operate Election Polling Place.
 - J. All events within residential zoning districts may only be conducted between the hours of 7:00 AM and 10:00 PM Monday through Friday, Saturday 7:00 AM and 11:00 PM, and Sunday 10:00 AM through 8:00 PM.
6. Forestry. In all zoning districts:
- A. Forestry shall be permissible in accordance with the regulations of the Commonwealth of Pennsylvania.
 - B. A forest management plan shall be prepared by a professional forester and submitted to the Town.
7. Home-Based Business, No Impact. In zoning districts where permitted, No Impact Home-Based Businesses may be established as an accessory use in compliance with the following requirements:
- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - B. The business shall employ no employees other than family members residing in the dwelling.
 - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - D. There shall be no outside appearance of 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 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 percent of the habitable floor area.
 - H. The business may not involve any illegal activity.
8. Mixed-Use Building. Where permitted by right, Mixed-Use Buildings may be established subject to the following requirements:

- A. A Mixed-Use Building shall be considered one (1) principal use, where residential and non-residential uses permitted within the same zoning district as a Mixed-Use Building shall be located within the same building.
 - B. Residential uses shall not exceed seventy-five (75) percent of the total floor area of a mixed-use building.
 - C. Residential uses shall not be located on the ground floor.
9. Recreation, Private. Where permitted, private recreation areas shall comply with the following requirements:
- A. A plan showing the location of all structures and improvements, tract location, metes and bounds, parking areas and sanitary facilities shall be submitted.
 - B. The applicant shall preserve or provide natural vegetation to the greatest extent feasible.
 - C. Swimming pools shall comply with the currently adopted International Building Code and any other applicable Town-adopted swimming pool regulations.
 - D. In no case shall the edge or wall of a swimming pool be located any closer than 5 feet from the side or rear property line. Swimming pools shall not be permitted in front yards.
10. Recycling Center. Where permitted, recycling centers for recycling paper, plastic, glass and metal products may be permitted subject to the following requirements:
- A. All operations shall be conducted:
 - (1) Within a completely enclosed building or group of buildings, or
 - (2) Isolated from public view and screened.
11. Self-Service Storage Facilities. In districts where permitted, self-service storage facilities may be established, subject to the following regulations.
- A. Parking on the property shall be located in driving/parking lanes located adjacent to the storage buildings. These multi-use lanes shall be at least 26 feet wide where storage cubicles open onto one side of the lane only, and at least 30 feet wide when cubicles open onto both sides of the lane.
 - B. Required parking spaces are intended for renter use and shall not be rented as or used for vehicle storage.
 - C. Additional external storage area may be provided for the storage of privately owned licensed and registered motor vehicles, travel trailers and/or boats. These storage

- areas shall not be located in the front yard and shall be screened along adjoining residentially zoned land and public streets.
- D. External storage areas shall not be used for vehicles that are partially dismantled, wrecked, or inoperative.
 - E. All storage above shall be kept within an enclosed building.
 - F. Doors for any self-service storage facility shall be oriented to face away from any existing residential uses and residentially zoned property.
 - G. The following uses are prohibited at a self-service storage facility site:
 - (1) Auctions.
 - (2) Commercial wholesale sales.
 - (3) Commercial retail sales.
 - (4) Garage sales.
 - (5) Servicing and repair of motor vehicles, trailers, boats, lawn mowers, appliances or other similar equipment.
 - (6) Operation of power tools, spray painting equipment, table saws, lathes, compressors, kilns, compressors, and similar equipment.
 - H. All outdoor lighting shall be sufficient to discourage vandalism and theft. Direction, intensity and glare of lights shall comply with § 510 Performance Standards.
12. Personal Care Boarding Home. Where permitted by right, Personal Care Boarding Home may be established subject to the following requirements:
- A. No modifications to the external appearance of existing residential buildings (except fire escapes) which would alter its residential character shall be permitted.
 - B. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level.
 - C. Fire and safety provisions shall be approved by the Pennsylvania Department of Labor and Industry.
 - D. Rooms for lodging shall have a minimum gross floor area of 150 square feet.
 - E. The personal care boarding home shall be occupied by the supervisory personnel at all times.

- F. The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available. The minimum lot area shall be increased as necessary to accommodate off-street parking.
 - G. To ensure proper access and adequate water and sewer facilities, the application to establish a personal care boarding home shall be processed as a land development plan.
 - H. The establishment must be served by an adequate sewage system and water supply and the applicant shall provide evidence that the specified system has adequate treatment capacity.
13. Schools, Primary and Secondary and Pre-Kindergarten. Where permitted by right, schools may be established subject to the following requirements:
- A. No building or structure shall be located within fifty (50) feet of a property line or street.
 - B. The development shall be connected to the municipal sewage system or shall provide a disposal facility approved by the Pennsylvania Department of Environmental Protection.
 - C. A safe potable water supply shall be provided. When public water service is not available, the source and system shall be approved by the Pennsylvania Department of Environmental Protection.
 - D. "Play areas" shall not be located in the front yard.
 - E. "Drop off and "pick up" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the school site.
 - F. A land development plan for the entire development shall be submitted for review by the Town Planning Commission. This plan shall show the location of all buildings and use areas, lawn areas, parking, and any screen planting. General plans for stormwater collection, water distribution and sewage treatment shall also be provided.
14. Wind Turbines.
- A. The wind turbine shall be independent of any other structure and shall be located a minimum distance of one and one-half times the turbine height from any structure and property line, except for roof-mounted wind turbines.
 - B. No part of the wind turbine shall be located within or above any required front, side or rear setback.

- C. The minimum height of the lowest position of the wind rotor shall be fifteen (15) feet above the ground. Maximum tower height shall not exceed maximum building height for the zoning district in which the wind turbine is placed.
- D. Wind turbines shall not be climbable up to twelve (12) feet above the ground surface.
- E. Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar-systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- F. All electrical components of the wind turbine shall conform to the relevant and applicable local, state and national codes and relevant and applicable international standards.
- G. Wind turbines shall be a nonobtrusive color, such as white, off-white or gray.
- H. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- I. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than two hundred (200) square inches.
- J. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- K. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- L. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- M. The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine.
- N. The applicant shall be responsible for obtaining all state and federal permits if required.
- O. When a building is necessary for storage cells or related mechanical equipment, the building shall comply with applicable regulations as enforced by the Town and must not be located within any required front, side or rear setbacks.
- P. The wind turbine shall comply with all other applicable regulations and requirements as set forth in this chapter. However, land development approval shall not be required

under the Town Land Development Ordinance [Chapter 22] for a single wind turbine. A zoning permit shall be required from Town prior to the erection of a wind turbine.

- Q. The landowner shall, at his/her expense, complete decommissioning of the wind turbine within twelve (12) months after the end of the useful life of the wind turbine. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - R. Decommissioning of the wind turbine shall include removal of the wind turbine and related appurtenances.
 - S. The wind turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
 - T. Audible sound from a wind energy facility shall not exceed 55 DBA, as measured at the exterior of any occupied building on a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for provision described in American Wind Energy Association (AWEA) Standard 2.1-1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume 1. First Tier," or any successor provision or publication.
 - U. The system owner/operator shall make all reasonable efforts, including but not limited to structure positioning, height, rotor diameter, blade to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and describe proposed mitigation measures including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system or grading or landscaping mitigation measures.
15. Student Housing.
- (1) In the MX-1 District, Student Housing shall only be permitted above the ground floor of a Mixed-Use Building.

§ 27-503 Accessory Uses and Structures.

- 1. Accessory uses on the same lot with and customarily incidental to any permitted uses within a base zoning district shall be permitted, unless otherwise specifically identified and regulated as an accessory use within this Chapter.
- 2. Accessory structures shall comply with the following requirements unless otherwise modified by the individual district section:
 - A. Accessory structures shall not be permitted in the front yard areas.

- B. One accessory building shall be permitted for any principal residential dwelling. This does not apply to agricultural uses, which may have multiple accessory buildings.
- C. For nonresidential uses, the building area of an accessory use shall be equal to or less than 50 percent of the building area of the principal building.
- D. For residential uses, the total building area of an accessory building shall be equal to or less than the building area of the principal building.

§ 27-504 Buffer Yards and Screening.

- 1. Where buffer areas are required by terms of this Chapter, they shall be provided in accordance with the following standards:
 - A. Applicability. All non-residential uses proposed on a lot located in one of the subject districts, as listed in the following Table X, which contains a property line which abuts or generally aligns with an adjacent district boundary, as listed in Table X, shall provide a buffer yard in accordance with the width prescribed in Table X.

<i>Table X: Required Width of Buffer Yard</i>		
Subject District (i.e., Must provide buffer yard)	Adjacent District	Required Width of Buffer Yard
IP Industrial Park	Residential (R-C; R-S; R-U; C-R)	25 ft
C-W Commercial. Warehouse	Residential (R-C; R-S; R-U; C-R)	15 ft
MX-2 Mixed Use 2	Residential (R-C; R-S; R-U; C-R)	10 ft
MX-3 Mixed Use 3	Residential (R-C; R-S; R-U; C-R)	10 ft

- B. Required buffer areas shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area, manufacturing or processing activity, storage of materials, or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways, and pedestrian paths may also be located within required buffers.
 - C. A buffer area may be located within a required front, rear, or side yard.
 - D. All buffer yards shall contain screening which shall be landscaped according to the requirements of § 505.
- 2. Earth Berms. If an earth berm is required by a provision of this Ordinance, it shall meet the following requirements:

- A. The berm shall have a minimum average height of five (5) feet above the average finished ground level (disregarding drainage channels) on the school or residential side of the berm.
- B. Evergreen screening required in a buffer yard shall be placed on the top of the berm.
- C. The berm shall be continuous along such boundary, except a) at approved driveway entrances and exits, and b) along segments where it is impossible to provide such berm while still providing adequate sight distance for traffic, and c) where otherwise specified in this Ordinance.
- D. Any berm shall be placed immediately adjacent to the lot line. Any fencing shall be placed parallel to the berm and on the side closest to the interior of the lot.
- E. The berm shall have a maximum side slope of three (3) horizontal to one (1) vertical.
- F. The entire berm shall be covered by a well-maintained and attractive all-season vegetative ground cover.
- G. The berm may be located within a required buffer yard.

§ 27-505 Landscaping.

1. Landscaping Requirements.

A. *General Requirements.*

- (1) Selected trees and shrubs shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).
- (2) Plant materials with seasonal diversity should be selected and distributed throughout the site where possible.
- (3) No tree, shrub, fence, wall or similar item shall be installed in the clear sight triangle of any corner, street intersection, or accessway intersecting a public right-of-way that would cause an obstruction to visibility.
- (4) The planting screen shall be so placed that at maturity it will be at least 8 feet from any cartway and will not grow over an exterior lot line.

B. Requirements for Landscaping within Parking Areas

- (1) All landscaping, trees, and planting materials adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of three (3) feet from any curb.

- (2) Parking lots shall be landscaped to minimize the intrusive impact of the lot upon the property; the type of landscape materials shall be at the discretion of the owner, but shall, as a minimum, consist of grass or mulch and trees and shrubs at the sides and front of the lot. Where the parking lot or area abuts an adjoining property, a four- foot deep landscaped buffer shall be created.

C. Requirements for Landscaping Screening within Buffer yards:

- (1) Screening shall include at least one (1) row of plantings consisting of evergreen trees, spaced at intervals no greater than ten (10) feet apart, measured from the vertical centerline of the trees.
- (2) Required plant materials shall have a minimum height when planted of six (6) feet when planted.
- (3) All trees used for screening purposes shall reach a minimum height of ten (10) feet at maturity.

D. *Landscaping Plan Requirements.* A landscaping plan shall be submitted along with the site or land development plan, subject to the following requirements:

- (1) The location of all buffer yards and planting areas shall be graphically depicted.
- (2) The plan must graphically depict the distribution, species mature height, and species spread of all required plant materials.
- (3) The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen, or other use. The table shall also identify the scientific and common name of each plant, the mature height and spread, and the symbol used for the plant.

E. Maintenance Requirements.

- (1) The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials and screening fences or walls to maintain conformance with landscaping requirements.
- (2) Any plant material that is 50% dead or more shall be considered dead and must be replaced.
- (3) Replacements shall be of the same size and type of plant as shown on the landscaping plan. Dead plant material shall be replaced within six (6) months.
- (4) All landscaped areas shall be kept free of litter and trash.

§ 27-506 Lots with Multiple Buildings.

The site layout of buildings shall be designed in a manner that ensures the safe, unobstructed, and convenient access for public safety and emergency vehicles, including but not limited to firefighting equipment, to adequately service all portions of a building(s) on a lot, or as otherwise regulated by the International Fire Code and/or other ordinances and codes adopted by the Town of Bloomsburg. Site layout may be reviewed by the Town Engineer to determine compliance with this provision.

§ 27-507 Fences.

1. Fences in Residential Districts. Fences may be constructed in required yards in accordance with the following requirements:
 - A. Fences shall be constructed at current grade level and without altering or impeding the existing or approved flow of stormwater.
 - B. The applicant shall provide evidence that the vision of motor vehicle operators is not impeded at intersecting streets, alleys, private drives and/or access drives.
 - C. Front Yard Fences. Property line fences may be installed along the front lot line and along the side lot lines between the front lot line and the front building setback line to a height not exceeding four (4) feet.
 - D. Rear and Side Yard Fences. Property line fences may be installed along the rear lot line and along the side lot lines between the rear lot line and the front building setback line to a height not exceeding six (6) feet.
 - E. Corner Lots. For corner lots, which have two front yards abutting the street and two side yards, fences installed along the lot line parallel to the architectural front facade of the principal building shall be considered front yard fences. Where the architectural front facade is not clearly defined, fences installed along the lot line having the most frontage on a street shall be considered front yard fences.
2. Fences in Commercial and Industrial Districts. Fences may be constructed in required yards at current grade level and without altering or impeding the existing or approved flow of stormwater, following the limitations below; and provided that the vision of motor vehicles operators is not impeded at intersecting streets, alleys, private drives and/or access drives streets.
 - A. Front Yard Fences.
 - (1) In the MX-1 District. Property line fences may be installed along the front lot line and along the side lot lines between the front lot line and the front building setback line to

- a height not exceeding four (4) feet.
- (2) In the MX-2, MX-3, and BC Districts. Property line fences may be installed along the front lot line and along the side lot lines between the front lot line and the front building setback line to a height not exceeding six (6) feet.
- (3) Industrial Districts. Property line fences may be installed along the front lot line and along the side lot lines between the front lot line and the front building setback line to a height not exceeding six (6) feet.
- B. Side and Rear Yard Fences. Fences of wood, metal, or masonry, or other material may be erected to a height not exceeding six (6) feet, except that where such lot abuts upon property in a Residential District, the fences may not exceed six (6) feet in height along lot lines where so abutting.
- C. Corner lots. The height of a fence along any side lot line may not exceed four (4) feet for that portion of the fence that is within thirty (30) feet of the front lot line.
- 3. Finished Side of Fence. Where a fence has a finished and unfinished side, the finished side of a fence must face out from the property.
- 4. Prohibited Materials. It shall be unlawful to erect or maintain any electric fence or to attach to any fence any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object. Fences containing barbed wire or razor wire shall comply with the following provisions:
 - A. No more than three strands of barbed wire or one coil of razor wire not less than six feet and two inches above the ground are permitted at the top of a lawful fence enclosing a non-residential use.
 - B. Barbed wire or razor wire shall not extend beyond the premises being enclosed.
 - C. Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural, livestock or commercial and industrial purposes.

§ 27-508 Outdoor Storage.

- 1. Outdoor Storage of Materials or Equipment.
 - A. There shall be no open storage of materials or equipment in a required front or side yard.
 - B. The outdoor storage of any materials or equipment shall be completely screened from view from any public right-of-way and/or Residential District or permitted residential use by screening at least six (6) feet in height.

- C. In all districts, no use of land shall cause or allow stored materials or waste to be deposited on the lot in any manner as to be transferred off the lot by natural causes or forces; to contaminate in any way any wells, watercourses, ground water or any other body of water; to cause a discernible fire hazard; or to attract rodents or insects.
 - D. Firewood. The outdoor storage of stacked firewood as an accessory residential use is permitted in any district subject to following requirements:
 - (1) For safety reasons, stacked firewood for residential uses shall not be stacked in excess of five feet in height unless the stacking of firewood is in a container or apparatus approved by the Zoning Officer.
 - (2) Firewood shall be stored no closer than four (4) feet from any property line.
 - (3) In any residential district, firewood shall not be stored in the front yard.
 - (4) Stacked wood shall not be stored in the street right-of-way or in any location that will diminish vehicle sight distances.
 - E. Junk. The storage of junk, as defined in this chapter, is prohibited in association with all land uses, except for within a permitted Junkyard as defined and regulated by the Chapter.
2. Outdoor Storage of Recreational Vehicles. Within any residential zone, or upon any property where the principal use is a residential dwelling, outdoor storage of recreational vehicles, boats, travel trailers and utility trailers used for transport shall be permitted, subject to the following regulations:
- A. Stored recreational vehicles shall not be used as a permanent dwelling.
 - B. Recreational vehicles stored on private property may be connected to utilities for battery maintenance, travel preparation or limited use not to exceed two weeks per calendar year.
 - C. All areas used for storing recreational vehicles shall be maintained free of debris, litter and vegetation shall be trimmed.
 - D. Recreational vehicles on public property shall not be connected to utilities.
 - E. No recreational vehicle shall be stored in front of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line for principal uses of the district.
 - F. All areas used for storing recreational vehicles shall be maintained free of debris, litter and vegetation shall be trimmed. It shall be unlawful to store any recreational vehicle, watercraft, utility trailer, or any non-vehicle mounted camper shell or truck camper or any commercial vehicle on private property, unless such storage is on an Improved Parking Surface or legal driveway comprised of concrete, asphalt, "chip seal" crushed

stone, rock or other aggregate that is a minimum of three inches thick. All crushed rock or aggregate must be contained by a permanent border. Such storage does not extend into the legal right-of-way or obstruct sight distance so as to pose a hazard at driveways and intersections, and such storage remains a minimum of three feet from the edge of the roadway. Such storage is permitted inside and rear yards so long as the storage is upon an Improved Parking Surface, trailer or legal driveway and is set back a minimum of three feet from the property line. All watercrafts must be stored upon a trailer capable of safely holding and transporting the weight of said watercraft in accordance with Pennsylvania Department of Transportation standards.

- G. In any residential zoning district, it shall be unlawful for any person to park or store, on any private or public property, any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding 17,000 pounds for more than 12 consecutive hours, except when such parking is necessarily required while actually carrying out a lawful commercial purpose or local delivery.

§ 27-509 Yard Encroachments.

1. The following encroachments are permitted in required yard areas, provided that they do not cause the maximum lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district, unless otherwise regulated by this Chapter.
 - A. Cornices, eaves, gutters, bay windows, awnings and chimneys of a principal building may encroach into the front, side, or rear yards of a lot, not more than 24 inches.
 - B. The following elements attached to a principal building may encroach into the front, side, or rear yards of a lot, not more than five (5) feet or more than 65% of a required setback whichever is less, provided that they do not include habitable space: porches, decks, patios, carports, garages, three-season rooms, stoops/stairs, projections covering an entrance, and other similar elements customarily attached to a principal building.
 - C. Accessory structures detached from a principal building may encroach into side yards but shall not be closer than three (3) feet to the side property line.
 - D. Accessory structures detached from a principal building may encroach into rear yards but shall not be closer than five (5) feet to the rear property line.
 - E. Driveways, walkways, hardscaping, and other ground-level impervious surfaces may encroach into front, side, or rear yards of a lot.
 - F. Projections covering the outdoor entrance, waiting, or seating areas of any non-residential use, mixed-use building, or apartment building may be permitted according to the following standards:

- (1) The encroachment into the front, side or rear yards shall not exceed ten (10) feet.
- (2) The encroachment into the front, side or rear yards shall not extend over a street right-of-way.
- (3) The encroachment area shall not be enclosed.

§ 27-510 Performance Standards.

1. This section shall apply to the issuance of all Zoning Permits and Land Development Approvals.
2. Enforcement. All currently existing and active nuisances, including those subsequent to the completion of work under an approved Zoning Permit or Land Development, which are detailed in this part are enforced as provided elsewhere in the Town Code.
3. Testing and Certification. The Zoning Officer may require testing and certification by a qualified and licensed design and/or engineering professional.
4. Noise Regulations. In all zoning districts, all noise regulations shall comply with the Town's Noise Ordinance.
 - A. Exemptions from Noise Regulations. The following activities or sources of noise are exempt from the noise standards of this section:
 - (1) Temporary activities relating to the construction and maintenance of buildings and facilities (including site preparation between 7:00 a.m. and 8:00 p.m. Monday through Saturday.
 - (2) Church bells or chimes.
 - (3) The emission of sound for the purpose of alerting persons of an emergency, or the emission of sounds in the performance of emergency work.
 - (4) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - B. Generators. See Town of Bloomsburg Noise Ordinance.
5. Light. To eliminate the negative effects of excessive and intrusive light onto an adjoining lot containing a residential use, not otherwise separated by a public right-of-way, the following standards are required:
 - A. Photometric plan. All Zoning Permit and Land Development Applications which include a lighting component shall include a photometric plan indicating the maximum footcandles at the property line.

- B. Measurement. Lighting levels shall be measured in footcandles at the lot line and measured on a vertical plane from ground level to six (6) feet above the ground.
 - C. Maximum illumination. Any lighting that produces glare shall not cause illumination in excess of 0.5 footcandle measured at the property line.
 - D. Exterior lighting, except for overhead public streetlights, warning lights, emergency lights or traffic signals, shall be installed and be placed in such a manner to sufficiently obscure and prevent glare from extending onto neighboring residential areas.
 - E. Misleading or confusing lighting. The installation of any lighting which may be confused with warning signals, emergency signals, traffic signals or emergency vehicles is prohibited.
 - F. Light emitted on a lot may radiate into a public right-of-way, however, such light shall not increase the measurement of ambient light existing within the public right-of-way.
- 6. Heat. Any operation producing intense heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such heat completely imperceptible from any point along the property line.
 - 7. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibration from temporary construction is excluded.
 - 8. Electromagnetic Interference. In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely interfere with normal radio, telephone, or television reception off the premises where the activity is conducted.

§ 27-511 Off-Street Parking and Loading.

- 1. General Parking.
 - A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available and accessible to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used here, the term parking space includes either covered garage space or uncovered parking lot space located off the street right-of-way.
 - B. A garage or carport may be located wholly or partly inside the walls of the principal building, attached to the outer walls or unattached to the principal building. The garage may be constructed under a yard or court provided that the level of such yard

or court shall conform to the general level of the other yards or courts on the same lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

- C. Accessory off-street parking areas may be allowed in any zoning district, unless otherwise stated, subject to zoning approval of the principal use and/or structure and subject to compliance with all other applicable provisions of this chapter as related to off-street parking.
- D. Buildings, structures and uses in existence at the date of adoption of this chapter shall not be subject to the off-street parking or off-street loading requirements, so long as a structure or use is not changed, altered or expanded.
- E. Existing off-street parking or off-street loading facilities provided prior to the adoption of this chapter shall not be reduced below the minimum requirements applicable to the particular use and/or structure.
- F. Any existing use, prior to its expansion, which does not conform to the required number of off-street spaces that would otherwise be required shall not be required to provide said spaces as a condition for zoning approval.
- G. Whenever an existing use of a building, structure or land is changed to a different use, off-street parking and/or loading facilities shall be provided in accordance with the applicable provisions of this chapter based upon the proposed new use.

2. Off-Street Parking Requirements.

- A. MX-1 Mixed Use District. In the MX-1 Mixed Use District no off-street parking shall be required.
- B. All Zoning Districts Other Than MX-1. Off street parking shall be provided for all uses as set forth below:
 - (1) Student Housing.
 - (a) One (1) parking space shall be required for each student. Said parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles.
 - (b) All off-street parking areas for four (4) or more automobiles shall be developed in accordance with the following standards:
 - 1) Each required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles.

- 2) Each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide to provide a safe and efficient means of vehicular access to such parking space. (See Chapter 22, Subdivision and Land Development, for parking design.) Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.
 - 3) All required parking spaces and aisles shall be provided wholly within the property lines and shall not extend into any public right-of-way.
 - 4) Parking spaces and aisles/driveways shall be a minimum of six (6) feet from side or rear property lines.
 - 5) Parking spaces and aisles/driveways shall be a minimum of ten (10) feet from the principal structure.
- (2) Reserved.
- (3) All other Residential Uses, in accordance with the residential land uses identified in §27-303.
- (a) A minimum of one (1) parking space for each dwelling unit shall be provided, which shall be located on the same lot as the principal use, unless otherwise identified in accordance with §27-511.3.
 - (b) Where a dwelling unit is occupied by three (3) or more unrelated individuals, one (1) parking space for every two (2) occupants. Where such a calculation produces a decimal, the required parking space shall be rounded to the next whole number.
 - (c) The dimensions of each parking space shall be at least nine (9) feet by eighteen (18) feet.
 - (d) Except as provided in this subsection, parking lots shall be designed in accordance with the applicable provisions of this Chapter and the Town of Bloomsburg Subdivision and Land Development Ordinance.
 - (e) No part of the public right-of-way of any street or road shall be used as the required area for parking, unless otherwise identified in accordance with this Chapter.
- (4) All other uses:

- (a) Off-street parking spaces shall be located on the same lot as the principal building or use, unless otherwise identified in accordance with this Chapter.
 - (b) Each off-street parking space shall have dimensions of not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives or aisles. The dimensions of a compact parking space shall not be less than seven and three quarters (7.75) feet wide and sixteen (16) feet in length.
 - (c) Parking areas shall be designed in accordance with the applicable provisions of this chapter and the Town of Bloomsburg Subdivision and Land Development Ordinance.
 - (d) No part of the public right-of-way of any street or road shall be used as the required area for parking, unless otherwise identified in accordance with this Chapter.
 - (e) In providing required off-street parking as shown in Table 1, not more than 10% of the required spaces may be designed as compact car parking spaces.
 - (f) In any instance where a structure, building or use of land contains more than one defined use, the total amount of required off-street parking spaces shall equal or exceed the number of spaces required for each specific use.
- (5) Open space topographical features, such as slope or grade, shall not be reason to limit the number of additional parking spaces if reasonable engineering design criteria can render such open space usable.
 - (6) The Zoning Officer shall refer the diagram to the Town Engineer for his/her certification that either no additional parking spaces can be accommodated or that the proposed additional parking spaces can be accommodated.

3. Shared Off-Street Parking.

A. The purpose of Shared Off-Street Parking shall be to:

- (1) Optimize available parking resources within the Town;
- (2) Minimize construction and maintenance costs associated with parking spaces;
- (3) Enhance the existing character of the community by providing greater

pedestrian access to and from shared off-street parking spaces;

- (4) Maximize the land available for the development of public open space, residential, and mixed-use development.
 - B. The shared use of parking for two or more principal uses shall be subject to the following criteria:
 - (1) Shared Off-Street Parking Agreement.
 - (a) As part of a zoning application, the Applicant shall present a notarized Shared Off-Street Parking Agreement, which identifies the following:
 - 1) The names and contact information for each landowner involved in the Shared Off-Street Parking Agreement;
 - 2) The parcel numbers for each subject lot identified; and
 - 3) Existing land uses for each subject lot.
 - (2) Shared Off-Street Parking Model.
 - (a) To identify where off-street parking spaces can be used for multiple land uses, the Applicant shall prepare a model demonstrating the typical hourly demands for all land uses identified in the Shared Off-Street Parking Agreement. The typical hourly demands shall be based on cited metrics published by the Urban Land Institute and are subject to any adopted/published changes to best practices.
 - (b) The model shall identify the number of available off-street spaces for each subject lot at peak hour, further demonstrating where vacant spaces can be used for other land uses.
 - (c) Approval shall be based on the accuracy of all calculations presented in the Shared Off-Street Parking Model and in accordance with the provisions stated herein.
4. Loading and Unloading Spaces.
 - A. In addition to the off-street parking spaces required above, all commercial and industrial establishments, hospitals or nursing homes and other similar uses shall provide adequate off-street areas for loading and unloading of supplies to and from vehicles. In no case where a building is erected, converted or enlarged more than twenty-five (25) percent shall a public right-of-way be used for loading and unloading space. Each off-street loading space shall not be less than fifty (50) feet in depth, twelve (12) feet in width and shall provide an overhead clearance of not less than fourteen (14) feet.

- B. Any property and/or use located within the MX-1 District that would otherwise be required to provide off-street areas for loading and unloading is hereby exempt.
5. *Design of Facilities.* Unless otherwise outlined within this sub-section, the design, surfacing, access and lighting of all off-street parking, loading and unloading facilities shall be in conformance with the related provisions of the Town of Bloomsburg Subdivision and Land Development Ordinance [Chapter 22].
- A. *Parking Buffers and Other Requirements.* The following requirements shall apply to all permissible residential land uses in all of the defined districts outlined in this chapter.
 - (1) Off-street parking provided in accordance with requirements set forth in this Chapter shall be designed so that entry is gained either from the street or an alley. Unless otherwise identified in a lesser required setback dimension in §27-509.D, a six-(6-)foot-deep buffer, with a barrier, shall separate the defined off-street parking area from an adjoining property, excepting entrances and exits from parking areas and pedestrian walkways.
 - (2) *Corner Parking Lots.* When an off-street parking lot is located at an intersection of two streets, two alleys, or a street and an alley, a buffer shall be created either at the side or front of the lot. The buffer shall be a minimum of four feet in depth and shall be planted with grass and/or appropriate shrubs. A barrier shall be installed to prevent vehicle access to the buffer area.
 - (3) The area devoted to parking may not exceed 50% of the total lot/ yard space of the property exclusive of the standing structure. The buffer area shall be considered as part of the yard.
 - (4) Parking shall not be permitted in the front yard of an existing residence except where an improved driveway or other Improved Parking Surface already exists.
 - (5) *Landscaping.* Parking lots shall be landscaped to minimize the intrusive impact of the lot upon the property; the type of landscape materials shall be at the discretion of the owner, but shall, as a minimum, consist of grass or mulch and trees and shrubs at the sides and front of the lot. Where the parking lot or area abuts an adjoining property, a four-foot-deep landscaped buffer shall be created.
 - B. *Paving Material.* All off-street parking spaces, including access drives and aisles, shall be paved in accordance with Land Development criteria as applicable. Proper drainage shall be incorporated into the Site in order to fulfill Town stormwater management standards as applicable.
6. *Large-Lot Parking Facilities.*

- A. *Applicability of Requirements.* The following requirements shall apply in all districts.
- B. *Design and Layout.* Large lots of 10 or more parking spaces shall utilize a minimum of 10% of the total area for pedestrian walkways. These elements shall be used to create buffers, setbacks and other separations will mitigate the paved area. Natural features, such as trees and shrubbery, shall be a component of this design plan. The plan shall be submitted to the Zoning Officer prior to the start of construction.
- C. *Lighting.* A plan for lighting of large parking lots shall be submitted with the layout and design plan. It shall include provision for general overhead lighting of the total area as well as appropriate small-scale lighting devices to highlight walkways and other design elements.
- D. *Materials.* All off-street parking spaces, access drives, aisles, and loading and unloading areas shall be paved with bituminous materials.

§ 27-512 Clear Sight Triangle.

- 1. *Sight Clearance at Intersections.* At the intersection of two (2) streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of three feet and ten (10) feet above the ground level, except for utility posts, mailboxes, single signposts, and the trunks of canopy trees. The triangle shall be measured along the center line of the right-of-way line of the streets. The legs of the triangle shall be measured in accordance with criteria of the American Association of State Highway and Transportation Officials' A Policy on Geometric Design of Highway and Streets, as amended.

§ 27-513 Photovoltaic Solar Systems, Accessory.

- 1. *Purpose.* It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. This Ordinance seeks to:
 - A. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - B. Reduce overall energy demands within the Town of Bloomsburg and to promote energy efficiency.
 - C. Integrate alternative energy systems seamlessly into the Town of Bloomsburg's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

May 20, 2024

2. Applicability.

- A. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
- B. Solar photovoltaic systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.

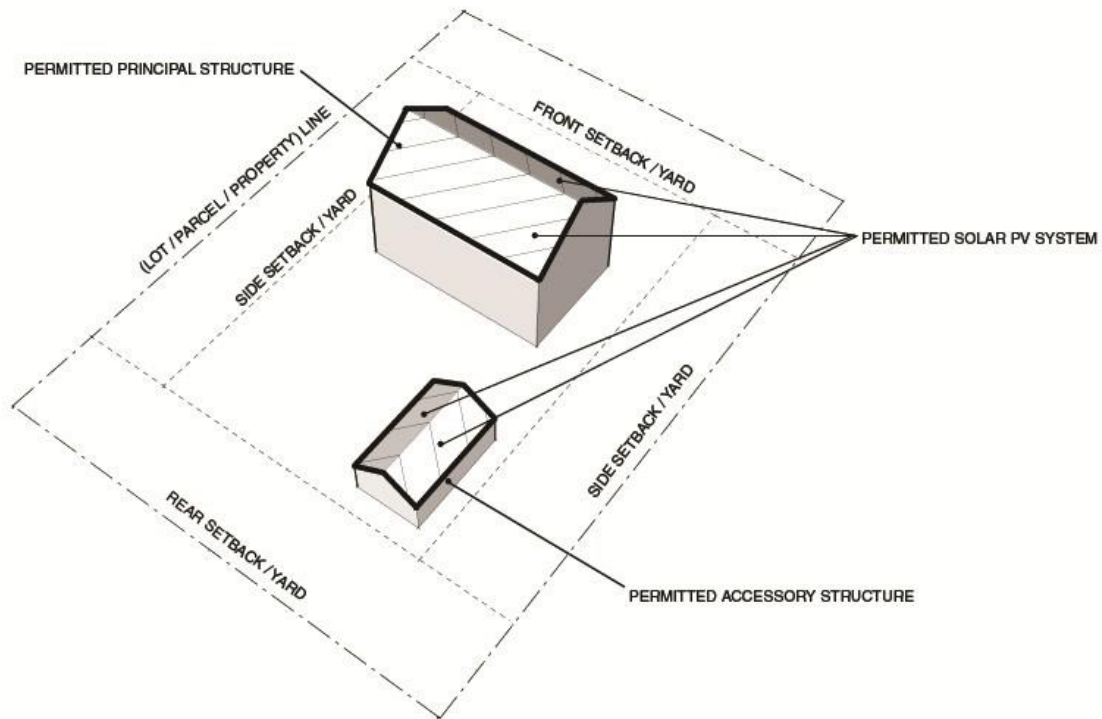
3. Permitted Zoning Districts.

- A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to § 27-1006 and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
- B. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

4. Location within a Lot.

- A. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



5. Design and Installation Requirements.

- A. The solar photovoltaic system shall be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted by The Town of Bloomsburg, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC.

6. Setback Requirements.

- A. Ground-mounted systems accessory to a principal residential use are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed.
 - (1) Exception: Ground mounted systems shall not be permitted between the architectural front of the principal structure and the right-of-way.
- B. Ground mounted systems as a principal use are subject to the principal use or structure setback requirements in the zoning district in which the system is to be constructed.
- C. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking

system or other adjustment of solar photovoltaic related equipment or parts.

7. Height Restrictions.

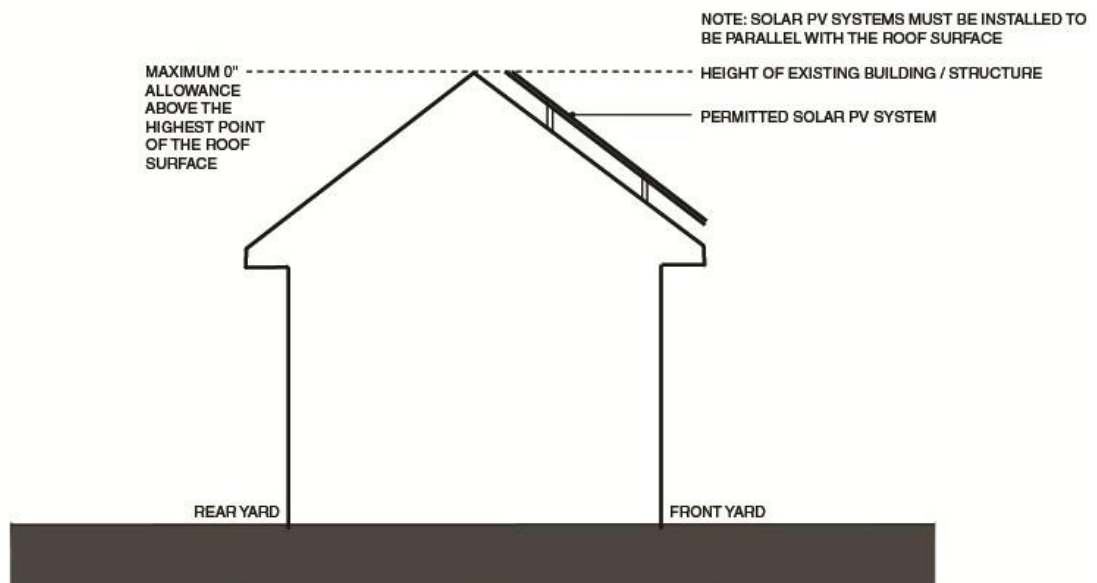
A. Notwithstanding the height limitations of the zoning district:

- (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of thirty-six (36) inches between the roof and highest edge or surface of the system.
- (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

B. Notwithstanding the height limitations of the zoning district:

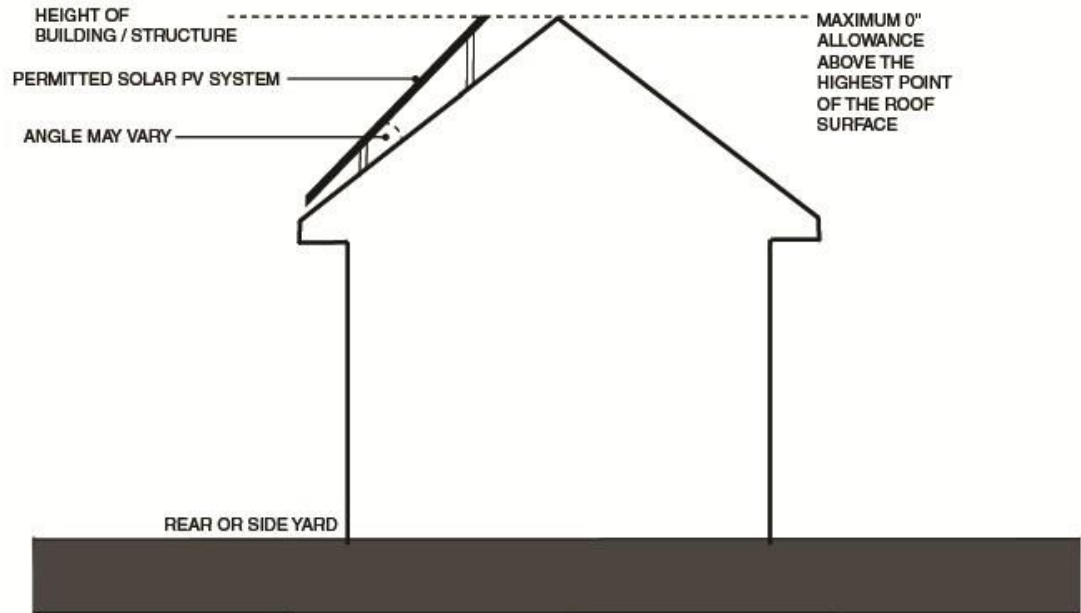
- (1) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- (2) Ground-mounted systems may not exceed 15 feet in height.

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

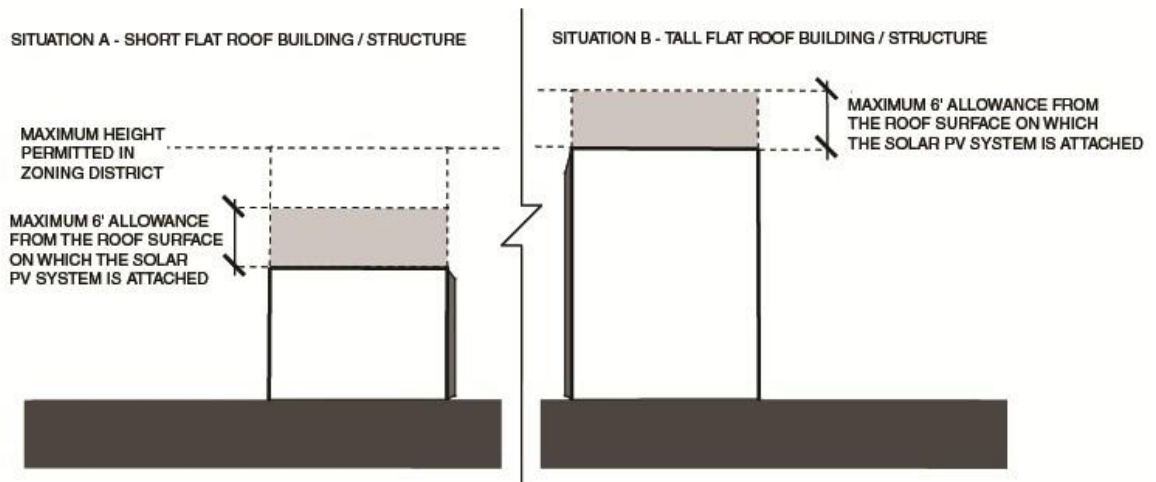


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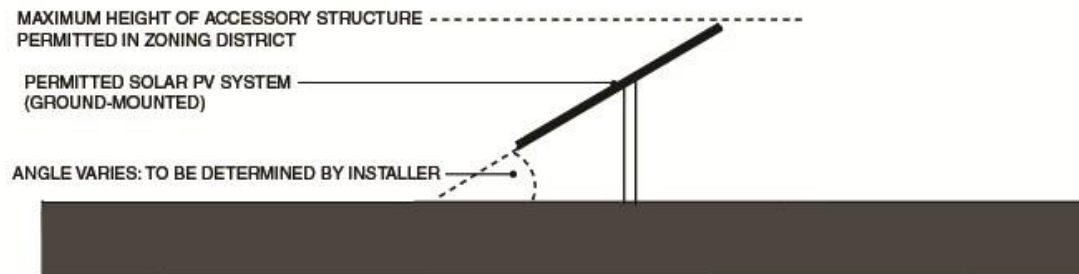
HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



**HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM
ELEVATION**



8. Screening and Visibility.

A. Ground-mounted Systems shall be screened from adjoining residential uses or zones according to the standards found in Part 603 of this chapter.

(1) Exception: Screening from residential uses shall not be required in the R-C Residential Conservation, MX-2 Mixed Use 2, MX-3 Mixed Use 3, IN Institutional Districts.

B. Building-mounted systems on a sloped roof shall not be required to be screened.

9. Other Requirements.

A. The individual photovoltaic panels within an “array” are arranged in a fashion that:

(1) Allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff.

(2) Allows for the growth of vegetation beneath the panel and between “arrays.”

B. Ground mounted solar panels that are supported with structures/foundations require little earth disturbance for their installation/construction. Unless evidence is provided to the contrary, it will be assumed that for these ground mounted solar panels themselves (not including access drive, etc.) will disturb five (5) percent of the total project area.

(1) The lowest vertical clearance of the solar “array” should be 10 feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the “array”. Limiting the height of the solar “array” will minimize the potential

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for accelerate erosion to occur along the drip line of the solar “array”.

C. Alternate designs may be proposed for review and consideration to the Zoning Officer in consultation with the Town Engineer. If found by the Zoning Officer and Town Engineer to be a demonstrably acceptable alternative, then the proposal shall be forwarded to the Town Council.

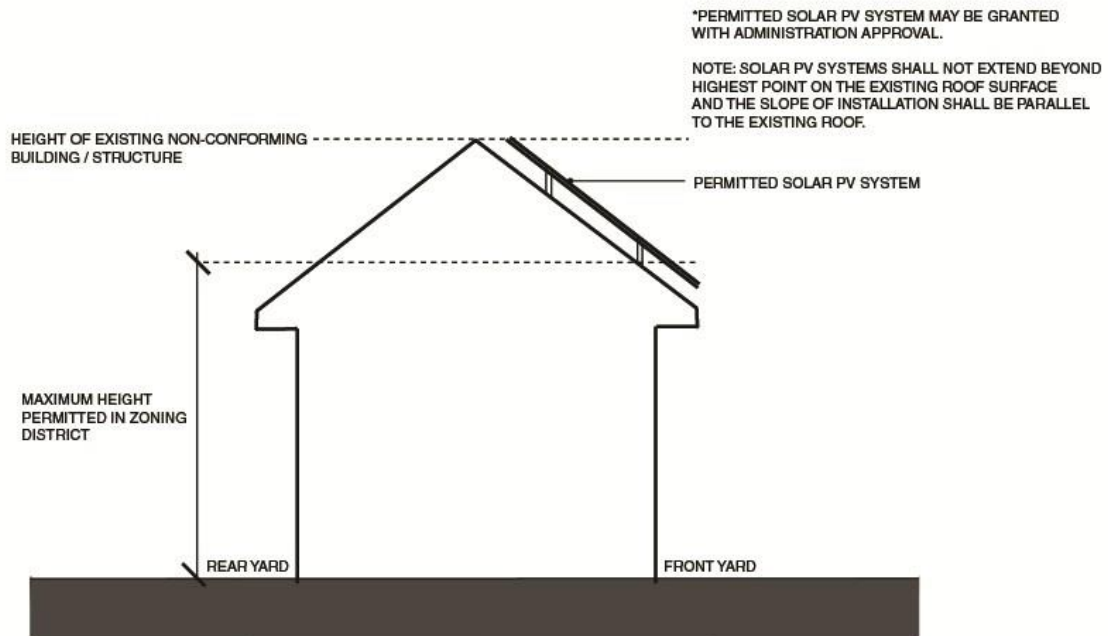
(1) The Town Council may, at their sole discretion, approve the alternative design.

10. Non-conformance.

A. Building-mounted systems:

(1) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and provided it complies with the other provisions of this Ordinance.

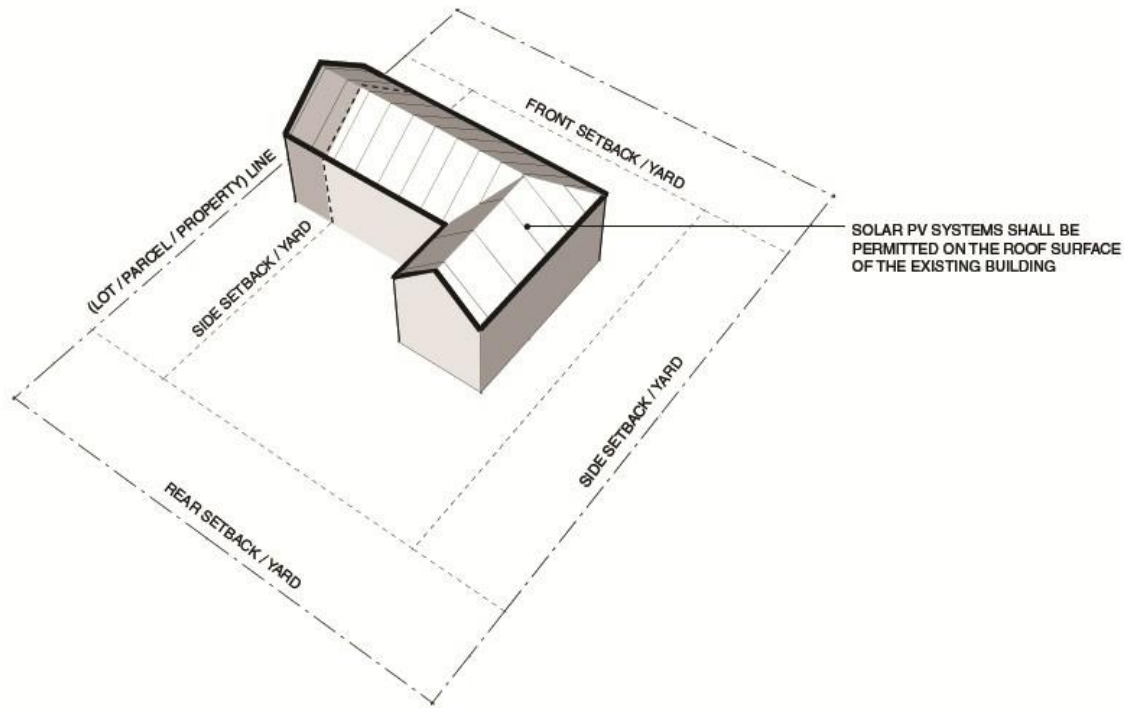
NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



(2) If a building-mounted system is to be installed on a building or structure on a non-

conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

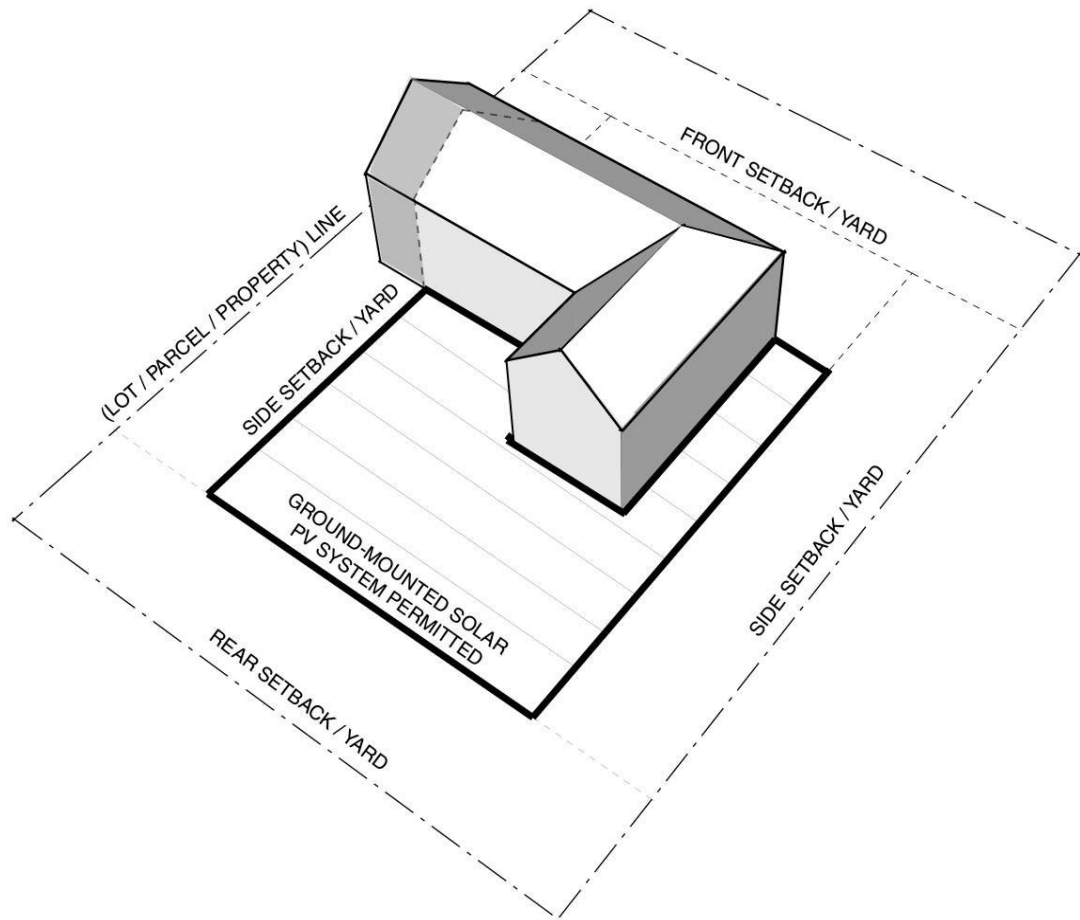
**NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



B. Ground-mounted systems:

- (1) If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



11. Signage.

- A. No signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- A. All solar photovoltaic systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

13. Inspection, Safety and Removal.

- A. The Town reserves the right to inspect a solar photovoltaic system for building or fire code compliance and safety.
- B. If upon inspection the Town determines that a fire code or building code violation exists,

or that the system otherwise poses a safety hazard to persons or property, the Town may order the property owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.

- C. If a property owner fails to repair or remove a solar photovoltaic system as ordered, and any appeal rights have been exhausted, the Town may enter the property, remove the system and charge the property owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
- D. In addition to any other available remedies, any unpaid costs resulting from the Town's removal of a vacated abandoned or de-commissioned solar photovoltaic system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Town shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, six (6) percent interest per annum, plus a penalty of five (5) percent of the amount due plus attorney's fees and costs incurred by the Town in connection with the removal work and the filing of the Town's claim.

14. Permit Requirements.

- A. Before any construction or installation on any solar photovoltaic system shall commence, a permit issued by The Town of Bloomsburg shall be obtained to document compliance with this Ordinance.

§ 27-514 Photovoltaic Solar Systems, Principal. (See Attachment B).

§ 27-515 Outdoor Dining (See Attachment B).

§ 27-516 Temporary Uses (See Attachment B).

§ 27-517 Event Rentals (See Attachment B).

§ 27-518 Urban Agriculture (See Attachment B).

§ 27-519 Dumpsters (See Attachment B).

§ 27-520 Small Wind Energy Systems (See Attachment B).

§ 27-521 Traditional Neighborhood Development.

1. Purpose and Objectives. To further encourage land use practices and design guidelines that create a diverse, pedestrian-friendly mixed-use corridor along Main Street. Such efforts are led by the following objectives:
 - A. To facilitate infill development that upholds the historic architectural form and scale of the Town's Main Street;
 - B. To retain the pedestrian-oriented street-wall; and
 - C. To prioritize the safety of pedestrian activities along Main Street.
2. Applicability. The provisions of this Section shall apply to all lots within the MX-1 District that front onto Main Street.
3. Authorization. The provisions included within this Section are based on the authorizations and objectives of Traditional Neighborhood Development ("TND") as established by Article VII-A of the Pennsylvania Municipalities Planning Code ("MPC"), as amended.
4. Design Requirements.
 - A. General Standards.
 - (1) Access Drives. No access drives shall be permitted to enter or exit onto Main Street.
 - (2) Parking Areas. All parking areas shall be located behind the principal structure on the lot.
 - B. Building Elements.
 - (1) Street Wall Requirements.
 - (a) The Front Façade of the principal building or a ground buffer in accordance with subsection (b) shall be constructed to abut the front lot line, where at least two-thirds of the width measured along the front lot line shall be utilized as the ground-floor building façade or a permanent ground buffer in accordance with the provisions herein, where no more than one-third of the front lot line is utilized as the entry-way into the building or lot.
 - (b) Ground buffer structures.
 - 1) Permitted Height. Ground buffer structures shall not exceed four (4) feet in height.
 - 2) Permitted Materials. Ground buffer structures shall be constructed out of brick, masonry, or wood materials.

(2) Front Façade Requirements.

- (a) Windows shall be provided on all stories of the Building Façade.
- (b) At least 75% of the Building Façade located on the Ground Level shall be transparent, which shall have the highest degree of transparency of all the other floors of the Building Façade.

§ 27-522 R-U District Height.

1. To accommodate on-going infill and density patterns associated with residential neighborhoods in the Town of Bloomsburg, any zoning application associated with a lot in the R-U District where a structure is proposed to be greater than 35' in height shall submit the following for Planning Commission review and recommendation to Town Council:
 - A. Section Diagrams illustrating the proposed structure in context of the existing heights of structures on each adjoining lot.
 - B. Elevation Views illustrating the proposed structure in context of the existing heights of structures on each adjoining lot.
 - C. Sunshadow study diagrams for each of the four seasons of a given year where the series of four diagrams illustrate the typical highest angle and lowest angle of the Sun. Each diagram shall illustrate a comparison of the sunshadow cast on the ground plane (including all adjacent lots) for a proposed structure if it were 35' in height compared with that height which is proposed for the lot.
 - D. A percentage comparison of the Sunshadow lengths shall be summarized in tabular format as part of each Sunshadow study diagram.
 - E. Any comparative Sunshadow length greater than 15% between those which are cast for a 35' high structure and the height which is proposed shall incorporate façade setback adjustments for the portion(s) of façade(s) so that no comparative Sunshadow length exceeds 15%.
2. Following any comments from the Town Engineer, the Planning Commission shall, as part of its review and recommendation to Town Council, identify the comparative Sunshadow lengths conform to Item 1.E above and that no further adjustment(s) to achieve said maximum is/are needed.

§ 27-523 Reserved.

PART VI

SPECIAL EXCEPTIONS AND CONDITIONAL USES

§ 27-601 Purpose.

1. Special Exceptions. The purpose of special use regulations is to provide additional standards for controlling the unique or special characteristics of certain uses which otherwise conform to uses permitted in their respective districts.
2. Conditional Uses. The purpose of conditional use regulations is to permit certain types of developments in certain zones or districts when the conditions described for each type of development have been fulfilled, as determined by the Council upon recommendation by the Planning Commission.

§ 27-602 Filing of a Special Exception.

1. Decisions for granting or denying special use permits shall be made by the Zoning Hearing Board as provided for in Part X: Administration and Enforcement, "Zoning Hearing Board."
2. In addition to filing and general requirements listed in § 27-905.3, decisions of the Board shall be made pursuant to standards and criteria expressed in this Part, to regulations for the respective districts in which the uses are located and to all other requirements of this Chapter. The Board shall grant an approval for a special use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.
3. Site Plan. A plan for the proposed development of a site for a special use shall be submitted with the application for a special permit. Such plan shall show the location of all buildings, open spaces, parking areas, traffic access and circulation, landscaping and any other information required for determining the conformance of the special use with the regulations for that use.

§ 27-603 Filing of a Conditional Use.

1. Decisions of the Council shall be made pursuant to the standards and criteria expressed in this section, to regulations for the respective districts in which the uses are located, and to all other requirements of this Chapter. The Council shall grant approval for a conditional use only after it has reviewed the recommendation of the Planning Commission and has found adequate evidence that the proposed use meets the standards and criteria for such use.
2. Site Plan. A plan for the proposed development of a site for a conditional use shall be submitted with the application for such use. The plan shall show the location of all buildings, open spaces, parking areas, traffic access and circulation, landscaping and any

other information required for determining the conformance of the conditional use with the regulations for that use.

§ 27-604 General Standards.

1. Decisions for granting all special exception or conditional uses shall be guided by the following general standards:
 - A. The proposed use shall not jeopardize the objectives of the Town of Bloomsburg Comprehensive Plan.
 - B. Public services and facilities such as streets, sewers, water, police and fire protection shall be adequate for the proposed use.
 - C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.
 - D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation and the nature and intensity of the operation involved.
 - E. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls and fences so that property is not impaired.
 - F. The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash or flashing lights than would be the operations of any permitted use in the district.
 - G. Any other reasonable conditions and safeguards, in addition to those expressed in this Chapter, may be imposed by the Board or Council if the Board or Council deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247, as amended) and this Zoning Chapter.

§ 27-605 Additional Requirements for Specific Uses.

1. Accessory Dwelling.
 - A. In the R-C and R-S Districts, only one (1) accessory dwelling shall be permitted as an accessory use to a principal single-family detached dwelling.
 - B. In the R-U District, no more than two (2) accessory dwellings shall be permitted as an accessory use to a principal single-family detached dwelling.
 - C. An accessory dwelling unit may be constructed in one of the following ways:

- (1) Attached to the principal building, with a separate entrance that does not share an interior access with the main residence.
 - (2) Within an existing accessory structure on the property that is legally permitted and meets all zoning requirements.
 - (3) As a new structure that meets all zoning requirements for setbacks, height, lot coverage, and other applicable regulations.
 - D. Regardless of the location of the accessory dwelling, no single accessory dwelling shall comprise more than fifty percent (50%) of the habitable floor space contained within the principal single-family detached dwelling.
 - E. The applicant shall demonstrate that an approved means of sewage disposal and reliable water supply shall be used.
 - F. An accessory dwelling unit contained on floors above or below grade shall have a direct means of escape to ground level.
 - G. Parking on the lot shall consist of one (1) parking spot, with separate access, for each bedroom or sleeping area in the accessory dwelling unit.
 - H. An accessory dwelling shall be occupied by not more than two (2) persons.
 - I. An accessory dwelling shall comply with all applicable ordinances and/or codes adopted and enforce by the Town.
 - J. The Town shall notify the Town Municipal Authority of the proposed establishment of an accessory dwelling unit when located in an area served by on-site water supply systems and which is located in an area which is served by public sanitary sewers, so that the Town Municipal Authority may adjust sewage charges, if deemed necessary, to reflect additional sewage flows anticipated to emanate from the accessory dwelling unit(s).
2. Airport. See § 27-401 Airport Overlay.
 3. Any Nonresidential Land Use Not Assigned Otherwise.
 - A. The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Base Zoning District.
 - B. Any use shall be in conformance to the dimensional standards of the IP Industrial Park District.
 - C. Parking shall only be in accordance with § 27-511 – Off-Street Parking and Loading.

- D. Dumpsters must be screened in accordance with this Chapter and placed behind the principal building and facing the rear lot line.
 - E. Loading service areas shall be placed behind the principal building.
 - F. If recommended by the Planning Commission and Town Council, a traffic study shall be conducted in accordance with ITE standards and shall identify the impact of peak hour trips generated by the use.
4. Any Residential Land Use Not Assigned Otherwise.
- A. The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Base Zoning District.
 - B. Any use shall be in conformance to the dimensional standards of the MX-3 District.
 - C. Applicable dumpsters must be screened in accordance with this Chapter and placed behind the principal building and facing the rear lot line.
 - D. See § 27-511 – Off-Street Parking and Loading.
5. Automobile or Gasoline Service Station.
- A. Minimum frontage on an interior lot shall be not less than one hundred twenty-five (125) feet. On a corner lot, the minimum frontage on the secondary street shall be not less than one hundred (100) feet and on the primary street not less than one hundred twenty-five (125) feet.
 - B. Fuel dispensing devices shall conform to district set back requirements and shall be set not less than twenty-five (25) feet from any street line.
 - C. Any buildings, fuel dispensing devices, or outdoor appurtenances related to the use shall be set back at least fifty (50) feet from any residential zone, or one-hundred fifty (150) feet from a school, place of worship, or playground.
 - D. The outdoor storage of motor vehicles, whether movable or not, shall be permitted for no more than one (1) month. Vehicles may be stored for longer than one (1) month provided that the area is completely screened.
 - E. The outdoor storage of junk, including auto parts, is prohibited.
 - F. All ventilation equipment associated with fuel storage tanks shall be set back fifty (50) feet, and oriented away from residentially zoned areas.
 - G. For stations fronting on one road, the following standards for access shall apply:

- (1) Access drives shall have a minimum length from the road of twenty-five (25) feet.
 - (2) The maximum width of access driveways shall be thirty-five (35) feet.
 - (3) Access drives shall have a minimum separation of seventy-five (75) feet.
 - (4) The separation distance will be measured from inside edge to inside edge.
 - H. All driveways and service areas shall be paved with a surfacing material approved by the Town and, if necessary, distinguished from sidewalk areas by painted lines. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
6. Bed and Breakfast
- A. Not more than four (4) bedrooms are used for guest accommodation.
 - B. Required off-street parking and loading as found in § 27-511.
 - C. The serving of breakfast is provided only to guests and not to the public, as in a restaurant.
7. Campground
- A. No occupancy other than transient or seasonal shall be permitted.
 - B. Plans shall be for a minimum lot size of ten (10) acres.
 - C. Setbacks. All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line;
 - D. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
 - E. An internal road system shall be provided, as required by § 602 of the Subdivision and Land Development Ordinance;
 - F. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
 - G. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties;
 - H. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be

solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels;

- I. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
 - J. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone, and at least twenty-five (25) feet from adjoining lot lines;
 - K. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
 - L. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground;
 - M. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP; and,
 - N. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.
8. Commercial Communications Tower.
- A. Standards Applicable to Commercial Communication Towers and Commercial Communication Antennas.
 - (1) Structural Certifications. For any commercial communications antenna or commercial communications tower higher than 50 feet, the applicant for a special exception shall provide, from a registered professional engineer, a certification as to the overall structural integrity of the commercial communications tower including, but not limited to, wind resistance and icing, and that the commercial communications tower meets all applicable BOCA, ASME and other applicable standards. Said certification will be submitted in writing with the application.

- (2) Airport Certifications. The applicant for a special exception shall provide a certification from a registered professional engineer that the proposed commercial communications antenna or commercial communications tower complies with all applicable rules and regulations of the Federal Aviation Administration, the Pennsylvania Department of Transportation and the airport provisions of the Zoning Ordinance of the Town of Bloomsburg Code of Ordinances, Chapter 27, § 27-401. The applicant for a special exception for a commercial communications antenna or commercial communications tower shall notify the operator of the Town of Bloomsburg Airport of its application for special exception and provide proof thereof. Said certifications will be submitted in writing with the application.
- (3) Removal of Commercial Communications Antennas and Commercial Communications Towers.
 - (a) If a commercial communications antenna or commercial communications tower remains substantially unused for a continuous period of 12 consecutive months, the owner or operator of the commercial communications antenna or commercial communications tower shall remove the commercial communications antenna or commercial communications tower within six months of receipt of a notice from the Town of Bloomsburg ordering such removal. Unless the owner or operator can prove that any building or appurtenant structure associated with the commercial communications tower and all landscaping can be used for other permitted uses in the zoning district, the building, appurtenant structures and landscaping shall also be removed. The base of the commercial communications tower shall be removed in all circumstances.
 - (b) Prior to the issuance of a building permit by the Town of Bloomsburg, the applicant shall post a security in the form of a bond or letter of credit in an amount approved by the Town Engineer and in a form approved by the Town Solicitor in an amount to cover the costs of removal of the commercial communications antenna or commercial communications tower and site clean-up including a factor for inflation. In the event that the owner or operator of the commercial communications antenna or commercial communication tower fails to remove the commercial communications antenna or commercial communications tower within six months from having received notice from the Town of Bloomsburg, the security shall be used by the Town of Bloomsburg to remove the commercial communications antenna or commercial communications tower and site facilities as provided for above.

- (4) Lighting. No commercial communications antenna or commercial communications tower shall be artificially lighted except when required by the Federal Aviation Administration or Pennsylvania Department of Transportation.
- (5) Federal Communications Commission. The applicant for a special exception for a commercial communication tower or commercial communication antenna shall provide a certification from the Federal Communications Commission that it is licensed by the Federal Communications Commission and, if applicable, certification that the Federal Communications Commission has approved the commercial communications antenna or commercial communications tower. Said certification will be submitted in writing with the application.
- (6) Documentation of Need. Applicants for special exceptions for commercial communication towers or commercial communication antennas must demonstrate, using technological evidence, that in order to satisfy its functional requirement the commercial communications antenna or commercial communications tower must go where it is proposed and that there are no buildings or other commercial communications towers available where the commercial communications antenna can be placed to satisfy its functional requirements. Applicants are required to document need with the following:
 - (a) The applicant for the placement of a commercial communications tower or commercial communication antenna shall be required to submit to the Town evidence of the need for the commercial communications tower and that the applicant has exhausted all alternatives to constructing a commercial communications tower. Applicants are required to prove need by:
 - 1) Demonstrating via written evidence that, in terms of location and construction, there are no existing towers, commercial communications towers, buildings, structures, elevated tanks or similar uses able to provide the platform for the commercial communications antenna.
 - 2) Providing evidence, including coverage diagrams and technical reports, demonstrating that colocation on existing commercial communications towers is not technically possible in order to serve the desired need. Colocation is not possible if:
 - A) Planned equipment would exceed the structural capacity of existing commercial communications towers within the Town, considering existing and planned use of those commercial communications towers and existing commercial

communications towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

- B) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for the commercial communications tower and the interference cannot be prevented at a reasonable cost.
 - C) Existing or approved commercial communications towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.
 - D) Other reasons make it impractical to place the equipment planned by the applicant on existing and approved commercial communications towers.
- (7) Change of Ownership. When the ownership of a commercial communications antenna or commercial communications tower changes, the Town of Bloomsburg shall be notified of such change within 30 days of the change of ownership.
- (8) Height Restrictions. No commercial communications tower and antenna combination shall exceed 200 feet measured from ground level at the base of the tower to the top of the tower or antenna, whichever is higher.
- (9) Signs. No portion of any commercial communications antenna or commercial communications tower or related structure shall be used for the placement of a sign of other advertising purpose including, but not limited to, company name, telephone numbers, banners, streamers or other forms of advertising.
- (10) Painting. Commercial communications towers and commercial communications antennas shall be painted silver or have a galvanized finish to reduce the visual impact.
- (11) Site Plan. The application for special exception for a commercial communications antenna or commercial communications tower shall be accompanied by a site plan setting forth the following:
- (a) The location of the proposed commercial communications antenna or commercial communications tower.
 - (b) The dimensions of the parcel of land upon which the commercial communications antenna and commercial communications tower are to be located, showing required setbacks.

- (c) The proposed fence and landscaping.
 - (d) The height of the proposed commercial communications antenna or commercial communications tower.
- (12) Colocation.
- (a) In order to reduce the number of commercial communications towers in the future, proposed commercial communications towers shall be designed to accommodate other users, including other telecommunications companies and local police, fire and ambulance companies. The application for special exception shall include a plan whereby future users will be granted access to the commercial communications tower and how the future users will be charged for the use of the commercial communications tower.
 - (b) Any applicant proposing construction of a new commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the commercial communications antenna on an existing building, structure or commercial communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4-mile radius of the proposed commercial communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
 - 1) The proposed commercial communications antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2) The proposed commercial communications antenna and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3) Such existing structures do not have adequate locations, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4) Addition of the proposed commercial communications antenna and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- 5) A commercially reasonable agreement could not be reached with the owners of such structure. Proof of such good faith effort will be submitted in writing with the application.
- (c) An applicant for a zoning permit for a commercial communications tower shall:
 - 1) Execute an agreement with the Town, in a form legally sufficient to the Town, requiring the removal of the commercial communications tower within one year after the commercial communications tower ceases to function as such.
 - 2) Agree to erect a commercial communications tower with sufficient capacity to accommodate not less than two commercial communications antennas in addition to their own.
 - 3) Agree to rent or sell such additional capacity to another developer that requires commercial communications antenna space to serve a similar purpose.
 - 4) Agree to submit to binding arbitration and to share the cost of such arbitration equally with the other parties desiring space on the subject commercial communications tower in the event that the developer and the other party do not reach an acceptable settlement within 30 days of notification to the Town; and the commercial communications tower developer shall be responsible for prompt reporting of an offer within five days thereof.

B. Standards Applicable to Commercial Communications Towers.

(1) Setbacks.

- (a) A commercial communications tower shall be set back from all property lines the most restrictive of the following: a minimum distance equal to 1/2 its height or a distance equal to the commercial communications tower fall zone.
- (b) Commercial communications towers shall not be closer than 500 feet to another commercial communications tower, such distance being measured as a horizontal from tower to tower.
- (c) Commercial communications towers shall be subject to a minimum setback from all overhead electric transmission lines of a distance equaling the height of the commercial communications tower.

- (2) Fence. The base of a commercial communications tower shall be surrounded by a secure fence with a minimum height of eight feet.
- (3) Landscaping. Evergreen plantings shall be required to screen the fence surrounding the commercial communications tower and any other ground level features such as a building or parking area. The evergreen screen shall be a minimum of six feet in height at planting with an exception to grow to a minimum of 15 feet high at maturity.
- (4) Parking. A minimum of two off-street parking spaces shall be provided for a commercial communications tower.
- (5) Monopole Structure. A commercial communication tower shall be a monopole structure.
- (6) ANSI Standards. The commercial communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended.
- (7) Soils Report. A soils report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to the Town to document and verify design specifications of the foundation for the commercial communications tower and anchors for the guy wires, if used.
- (8) Wind. Commercial communications towers shall be designed to withstand wind gusts of at least 100 miles per hour.
- (9) Historic District. A commercial communications tower shall not be located on a lot that is listed on a historic register or in an officially designated State or Federal historic district.

C. Standards Applicable to Commercial Communications Antennas.

- (1) Conditions on the Location and Placement of Commercial Communications Antennas. Commercial communications antennas may be attached to any nonresidential building or structure that is a permitted use in the district including, but not limited to, a church, a municipal or governmental building or facility, a building owned by a utility or a commercial communications tower. Subdivision and land development review is not required by the Planning Commission or the Town Council for the location of commercial communications antennas on a building. The following conditions shall be met:
 - (a) No more than one commercial communications antenna may be attached to any nonresidential building as a permitted use. A permit for one

commercial communications antenna on one building may be issued by the Zoning Officer after a review of the requirements stated in this Section.

- (b) The location of two or more commercial communications antennas on any nonresidential building shall be considered a special exception. There shall be a minimum distance equal to the height of the commercial communications antenna located on a nonresidential building and the location of any additional commercial communications antennas.
- (c) The location of one or more commercial communications antennas on any nonoccupied structure, such as a commercial communications tower, a water tank or an observation commercial communications tower shall be considered as a principal permitted use. Permit(s) for commercial communications antenna on nonoccupied structures may be issued by the Zoning Officer after a review of the requirements stated in this Section. Subdivision and land development review is not required by the Planning Commission or the Town Council for the location of commercial communications antenna on a nonoccupied structure.
- (d) Height limits for commercial communications antennas: not to exceed 20 feet above the structure or building on which it is located.
- (e) The top point height of any commercial communications antennas located on a commercial communications tower shall not exceed the height requirements for commercial communications towers stated in this Section.
- (f) Setback. Commercial communications antennas located on buildings and structures shall be required to be set back from all property lines a minimum of the front yard setback requirement of the host district plus the height of the commercial communications antenna.

9. Clubs and Lodges.

- A. Private social clubs or lodges shall not be conducted as a commercial business or as a residence and shall be used only by members and their authorized guests.
- B. A buffer area and screen planting, as found in Part 8, "Supplementary Regulations," shall be provided adjacent to any property used for residential purposes but such screening shall be located on the same lot as the club or lodge.

10. Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAO).

- A. All Concentrated Animal Operations and Concentrated Animal Feeding Operations are subject to regulations enforced by the Commonwealth of Pennsylvania, pursuant to, including but not limited to, authority under the Nutrient and Odor Management Act and the Clean Streams Law, respectively, and its regulatory schemes. Where such uses are permitted as conditional uses, an applicant shall provide proof of compliance with all applicable State law, pending approval by the Council when such proof has been provided.

11. Congregate Care Campus.

- A. The use shall meet any applicable Commonwealth of Pennsylvania and federal codes, including but not limited to 6 Pa. Code, Chapter 21.
- B. The applicant shall complete a Master Plan, in accordance with the Subdivision and Land Development Ordinance, as part of the application which shall designate the location and types of dwelling units, internal vehicular and pedestrian traffic circulation, site ingress and egress, open space, and stormwater management and/or public infrastructure facilities.
- C. Common open space. A minimum of 100 square feet of usable outdoor common space shall be provided for each resident present at the facility.

12. Distribution Center.

- A. Required Buffer Yards.
 - (1) Along any boundary line of a residential lot or residential district, a minimum 150-foot buffer yard shall be provided within the subject parcel, measured from the district boundary line or adjacent lot line, which ever may apply.
 - (a) If a street constitutes the boundary line between districts or lots, the yard shall be measured from the street line.
 - (b) At least fifty (50) feet of such buffer yard width shall be used only as a planting strip in accordance with § 27-504.
 - (c) The rest of the buffer yard width may be used for off-street parking or for any purpose other than a building or accessory structure.
 - (2) Where the footprint of a proposed principal building is greater than 250,000 square feet:
 - (a) A minimum 250-foot buffer yard shall be provided along the entire length of the street frontage of any property upon which a building is located.
 - (b) A minimum 250-foot buffer yard shall be provided along any property line which abuts or is within 500 feet of an existing residential property line or

zoning district, school, child care center, hospital, place of worship/assembly, or public park.

- (3) An Earth Berm shall be constructed within the required buffer yard along the street frontage and in accordance with §27-504.2.

B. Minimum Planting Requirements.

- (1) Plantings shall be arranged to provide a complete visual screen of the principal building of at least fourteen (14) feet in height (measured in addition to the height of the required Earth Berm).

C. See § 27-510 – Performance Standards.

- D. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.

- E. No loud speakers shall be permitted outside any enclosed structures.

- F. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.

- G. No warehouse or storage building, or part thereof, may be used for a dwelling purpose at any time.

13. Emergency Vehicle Facility.

- A. Such facilities shall be limited to the storage of vehicles and shall not include the service, repair, or maintenance of vehicles.
- B. Such facilities may be permitted as an integral part of a health care facility/hospital or as a separate structure placed in accordance with setbacks as provided above.

14. Group Care Facility.

- A. Such uses shall be licensed or meet all requirements of licensing or certification by the appropriate departments and/or agencies of the Commonwealth of Pennsylvania. Said license and/or proof of all approved required documentation shall be submitted prior to commencement of use.
- B. No such uses shall be located within 500 feet of any school, playground, residential dwelling, childcare facility or house of worship unless permitted by a majority vote of Town Council. At least 14 days prior to this vote, one or more public hearings regarding the proposed facility location shall be held at a location within the Town following public notice and written notice to all owners of real property located within 500 feet of the proposed location at least 30 days prior to said public hearings.

- C. For purposes of determining required off-street parking, such facilities shall be classified as “medical clinics.”
 - D. One sign, a maximum of two square feet, is permitted.
 - E. Such uses shall be manned during all hours of operation by personnel with credentials as required by the Pennsylvania Department of Health.
 - F. Such uses shall submit the required impact study as specified in § 360-21L of this chapter.
 - G. The Zoning Officer shall have the authority to continue the conditional use as long as proofs of required annual licensing and certification are provided to the Town when such documentation is received by the provider.
15. Group Residential.
- A. Such use shall provide bedroom area for each bedroom that is a minimum of 70 square feet per person.
 - B. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.
16. Halfway House for Persons on Parole or Probation
- A. Regulatory and Operational Standards:
 - (1) A halfway house for persons on parole or probation shall be classified and permitted as a special exception use within the MX-3 District.
 - (2) Maximum Number Residents. The maximum number of residents shall be based on the lesser number of 120 square feet per bedroom based upon single room occupancy provided upon the required floor plan of the facility or five residents.
 - (3) A halfway house for persons on parole or probation shall be licensed, where required, by an appropriate government agency and shall be in compliance with all applicable rules and regulations of the licensing body. A copy of any required license must be provided to the Zoning Officer prior to commencement of the use.
 - (4) A halfway house for persons on parole or probation shall provide a narrative that fully describes all management plans and services for daily operations to be provided within the facility. Such information also must address:
 - (a) The composition of the halfway house.
 - (b) Policies and goals and the means to accomplish those goals.

- (c) The characteristics of the residents and the number of residents to be served.
 - (d) Operating methods and procedures.
 - (e) Any other relevant facts to its proposed operation.
- (5) A halfway house for persons on parole or probation shall provide a complete list of the type of crimes and/or circumstances which would render the exclusion of a person from residency within the facility.
 - (6) A halfway house for persons on parole or probation shall provide a floor plan of the facility showing the use of all areas within the facility, with the dimensions and square feet of each room therein and its intended purpose and use.
 - (7) A halfway house for persons on parole or probation shall provide, in writing, the rules and regulations applicable for all residents to maintain residency within the facility.
 - (8) A halfway house for persons on parole or probation shall provide, in writing, its regulations regarding a curfew for residents and permission requirements for leaving the facility for other purposes, including, but not limited to, activities such as work, school, off-site counseling services, volunteer services, medical appointments or religious services.
 - (9) If a halfway house for persons on parole or probation is not run and/or operated by a governmental agency, the contract of the entity doing so must be submitted, along with an historical profile on its experience and references to all other locations where it operates a facility such as a halfway house for persons on parole or probation.
 - (10) A halfway house for persons on parole or probation shall maintain a current list of residents and provide the names, addresses and contact information for their respective parole officers or probation officers who have supervision over persons that will be residing in the facility.
 - (11) Any approval granted for a halfway house for persons on parole or probation shall be bound to the type and number of persons listed on the application. Any increase in the type or number of offenders being housed shall require a new hearing before the Zoning Hearing Board.
 - (12) A halfway house for persons on parole or probation shall not provide any on-site supportive services related to counseling for substance abuse disorders, emotional disorders or behavioral disorders.

- (13) A halfway house for persons on parole or probation shall provide a minimum of one staff member on site at the facility on a twenty-four-hour basis. In addition, the facility shall provide, within the required narrative under § 27-603HH(1)(d), the maximum number of persons employed by the facility.

B. Design Features:

- (1) Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- (2) Off-street parking shall be provided at a ratio of one vehicle parking space per each employee assigned to work at the facility, including those via contracted services, plus one vehicle parking space for every resident of the facility based upon the maximum number of persons approved to reside at the facility. Off-street parking shall be subject to all other applicable provisions within the Town of Bloomsburg Zoning Ordinance governing off-street parking.
- (3) A halfway house for persons on parole or probation shall not be located less than 1,000 feet from:
 - (a) Any other halfway house for persons on parole or probation.
 - (b) A school, primary or secondary, post-secondary.
 - (c) A day-care facility.
 - (d) A playground.
 - (e) A public recreational facility.
 - (f) A place of worship/assembly.
- (4) If a halfway house for persons on parole or probation is located within 250 feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

17. Heliport.

- A. Heliport uses shall comply with all design, installation, operations and maintenance standards applicable to private heliports as set forth in the Pennsylvania Aviation Administration Code, regulations promulgated by the Pennsylvania Department of Transportation, the United States Code, the Federal Aviation Administration and the United States Department of Transportation.

18. Home Occupation

- A. A home occupation shall be an incidental use of a dwelling unit or of a building or other structure accessory to a dwelling unit and shall be conducted by a person or persons residing in the dwelling unit and not more than one nonresident employee working on the premises. Not more than 25% of the Building Floor Area (including the floor areas of both the principal and accessory structures) shall be used for the home occupation.
- B. The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within the enclosed structure and with no goods publicly displayed on the premises other than a sign indicating the presence of the home occupation. The home occupation shall not involve display windows, the storage or sale of articles not produced on the premises, frequent truck deliveries or the production of offensive noise, smoke, vibration, dust, odors, heat or glare.
- C. Off-street parking requirements for both dwelling and home occupation uses shall be fulfilled in accordance with the regulations of Part 8, "Supplementary Regulations."
- D. Home occupations may include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson or member of some similar recognized profession. This list is not all-inclusive but is intended to serve as a guide.
- E. Home occupations may also include beauty and barber shops, dressmaking and tailoring shops, appliance and lawnmower repair and tutoring and music instruction for not more than two students at a time, but shall not include, animal hospitals, commercial kennels or stables, funeral homes, clothing shops, restaurants, dance studios, business schools or automobile repair service. This list is not all-inclusive but is intended to serve as a guide.
- F. Signage in R-C, R-S, and R-U.
 - (1) In addition to the permitted and exempt signs within Group 1 (see §§ 27-704 and 27-706), a wall sign measuring no larger than 1.5 square feet in sign area and mounted on the principal structure of the lot shall be permitted. No more than one (1) building sign shall be permitted on the principal structure.

19. Homeless Shelter

- A. Regulatory and Operational Standards:
 - (1) Purpose. It is the intent of this subsection to provide for development, operational and design standards for a homeless shelter. In the event of a conflict between the regulations and standards of the homeless shelter and those

applicable to the zoning district in which it is located, the more stringent shall apply.

- (2) Community Need Standards. Any application for a homeless shelter must demonstrate that the shelter is needed to take care of the homeless needs that exist within the greater Bloomsburg area, which is intended to generally include Columbia County and Montour County.
- (3) The operator of any homeless shelter shall have an operational HMIS or equivalent in effect.
- (4) Maximum Number of Beds. The maximum number of beds shall be based on the lesser number of one bed per 200 square feet of area in which sleeping accommodations are provided based upon the required floor plan of the facility or 20 beds.
- (5) A homeless shelter shall be designed and operated in compliance with all applicable federal and state standards and regulatory provisions, including, but not limited to, the Pennsylvania Uniform Construction Code.
- (6) A homeless shelter shall provide a floor plan of the facility showing all areas used as part of the homeless shelter, with the dimensions and square feet of each room therein and its intended purpose and use. The intake process for residents shall be handled from an internal office within the homeless shelter.
- (7) On-Site Management Plan. The applicant shall provide an on-site management plan for a homeless shelter, which shall include, but not necessarily be limited to, the following items. All responses to the following information shall be in writing:
 - (a) A reasonable criminal background check on potential residents shall be undertaken by the provider. The provider shall provide a clear policy and regulations on the basis of background information utilized by the provider for the exclusion of anyone seeking admittance to the facility. Actions warranting exclusion shall include, at a minimum, persons having an outstanding arrest warrant, persons registered under Megan's Law, or persons under the influence of alcohol or illegal drugs. Such a policy shall be based upon protecting the health, safety and welfare of the general public and other residents within the facility.
 - (b) A plan that provides for safety and security measures, including emergency operations. Such a plan shall identify persons responsible for implementation of stated measures and/or operations.
 - (c) A plan that fully describes all services to be provided within the facility.

- (d) A resident identification processes. This process shall include verification of proof of a person's last place of residence within the greater Bloomsburg area as identified above in Subsection 18.A.(2).
 - (e) Controls for resident behavior and noise levels. Such controls shall ensure that loitering does not occur on the property during off-hours and/or otherwise create a nuisance to the neighborhood.
 - (f) Regulatory provisions applicable to all residents staying at the facility, including, but not limited to, policies and standards governing expulsions of a person and/or family.
 - (g) Process for resolving neighborhood concerns.
 - (h) Staffing levels during hours of operation.
 - (i) Proof of insurance and amount of coverage
- (8) A homeless shelter shall provide a minimum of one supervisory-level staff member for every twenty (20) residents present on the site during hours of operation.
- (9) Facilities shall be subject to inspection as determined necessary by the Town of Bloomsburg.

B. Design Features:

- (1) Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- (2) See § 27-511 – Off-Street Parking and Loading.
- (3) A homeless shelter shall be situated no less than 1,000 feet from any other homeless shelter.
- (4) If a homeless shelter is located within 250 feet of a residential zoning district, all outdoor activity shall be screened from public view and from the view of adjacent properties.
- (5) A homeless shelter shall have set hours of operation, and the hours shall be posted in a publicly visible and accessible location at the shelter.
- (6) A homeless shelter shall not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter, nor shall its operation have a substantially greater effect/impact on

surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

- (7) Limited incidental on-site services provided to residents within a homeless shelter may include referrals to additional off-site support agencies for the purpose of finding employment and/or permanent housing but shall not include any type of on-site substance abuse counseling and/or treatment.

20. Hotel.

- A. Public water and public sewer shall be provided to serve the site.
- B. A site development plan shall be submitted in which existing natural vegetation is preserved to the greatest extent feasible.

21. Manufacturing, Heavy.

- A. Per every forty (40) lineal feet of perimeter, a buffer strip shall contain a combination of one (1) deciduous tree having a caliper of not less than three (3) inches and a height of ten (10) feet at the time of planting and two (2) evergreen trees having a height of not less than six (6) feet at time of planting, plus five (5) shrubs, per forty (40) lineal feet of perimeter. Trees and shrubs shall be planted within the buffer strip to include staggered placement and/or clustering.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot.
- D. All materials and equipment shall be stored within a completely enclosed building.
- E. Hours of operation and activities, including for truck deliveries, must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory and Material Safety Data Sheets (MSDS) of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- G. There shall be no light spillover, glare, or vehicular idling permitted.

22. Mobilehome Park.

- A. A mobile home park shall have an area of at least two acres with a minimum width of not less than two-hundred (200) feet. Its site location and layout shall conform to the requirements of the Subdivision and Land Development Ordinance.
- B. Buffer areas around the park shall be a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where roads cross it and evergreen trees at least three feet in height at the time of planting shall be placed no less than fifteen (15) feet apart in this space.
- C. No more than fifty (50) percent of the mobile home park tract shall be covered with buildings and at least five (5) percent of the total area shall be developed for recreation use according to the specifications of the Subdivision and Land Development Ordinance.
- D. Mobile home park design and improvements shall also include refuse storage facilities as well as sewerage, water and other utilities, as provided for in the Subdivision and Land Development Ordinance.
- E. A mobile home lot shall contain no more than one mobile home, including its extensions and additions, and shall have access to a street in the park. Each lot shall have a minimum area of 4,000 square feet and a minimum width of forty (40) feet. The minimum front, side and rear yards shall be ten (10) feet each. No more than thirty (30) percent of any lot shall be covered with structures.
- F. Each mobile home lot shall be improved with a stand or pad, outdoor patio, anchoring facilities and paved parking areas according to the specifications of the Subdivision and Land Development Ordinance.
- G. The maximum height of any building in the park shall be fifteen (15) feet.
- H. All mobile homes shall be provided with foundation skirting of a material compatible with the outer finish of the home. Such skirting shall be anchored at both the floor level of the home and the ground level, with no appreciable gap at the ground level. All skirting shall be maintained in good condition.
- I. See §27-511 – Off-Street Parking and Loading.

23. Mortuary

- A. Mortuaries, crematories and undertaking establishments shall have a minimum lot area of 30,000 square feet and shall accommodate all of the parking and loading requirements as found in Part 8, “Supplementary Regulations.”

- B. Sufficient area shall be provided for vehicular circulation on the premises and for the assembly area for the procession beyond the street right-of-way line.
 - C. Loading and unloading areas for ambulances and hearses shall be screened from view of adjacent properties by a solid wall or solid fence or dense foliage at least six feet in height. Outside lights shall be directed away from adjacent activities.
24. Motel, Motor or Tourist Court
- A. Public water and public sewer shall be provided to serve the site.
 - B. A site development plan shall be submitted in which existing natural vegetation is preserved to the greatest extent feasible.
25. Municipal Use, Non-Utility. The minimum size of the tract for any such building shall be 40,000 square feet. A buffer area and screen planting, as found in Part V, "Supplementary Regulations," shall be provided adjacent to any property used for residential purposes but such buffer area shall be on the same lot as the municipal building.
26. Natural Resource Production.
- A. The lot or tract on which the use is located shall be no less than 10 acres in size with a width of no less than 200 feet.
 - B. The minimum front, side, and rear setbacks shall be 100 feet in depth as measured from the street line, from the side or rear district lines, from a property line of any adjacent property in the same ownership but different use or in different ownership but the same use. All yard areas shall also serve as buffer areas landscaped in trees or shrubbery and with no parking of vehicles or storage of equipment and supplies allowed.
 - C. The maximum height of any building shall be 40 feet or three stories, whichever is less, with exceptions for chimneys, conveyors, crushers and other structures which are not buildings. No more than 10% of the tract shall be covered with buildings, whether principal or accessory.
 - D. All activities and uses shall comply with performance standards governing odors, fumes, dust, smoke, vibration, noise, soil erosion and sedimentation and any other side effect of the natural resource operation deemed injurious to the public health, safety and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry (DL&I).
 - E. Any natural resource operation involving mining, quarrying, drilling or excavating shall be required to provide a six-foot fence completely enclosing that activity on the

property. Such a fence shall be so constructed as to have openings no larger than six inches and, if pickets are used, the openings shall not exceed six inches. Multi-flora rose plantings may be used as fencing and, when used, the original plants shall be at least 18 inches high and shall be placed in a double-staggered row three on centers between plants.

- F. No mining, excavating, drilling, lumbering, bottling or processing operations of any sort shall be allowed earlier than 7:00 a.m. or later than 7:00 p.m. during each day of the week except Sunday, when no such activities shall be permitted.
- G. Verification of bonding and insurance, if required by the Pennsylvania Department of Environmental Protection (DEP) or some other agency, shall be supplied to Town Council upon request.

27. Nursing Home.

- A. No building or structure shall be located within 100 feet of a property line or street.
- B. Screening shall be provided when the development abuts either of the following:
 - (1) A residential zoning district.
 - (2) An existing residential use which is permitted by right in its zoning district.

28. Parking Lot.

- A. The following provisions shall apply to Parking Lots as a principal use on a lot. See §27-511 for off-street parking and loading requirements for specific land uses.
- B. Design and Layout. Parking lots of ten (10) or more parking spaces shall utilize a minimum of 10% of the total area for pedestrian walkways. These elements shall be used to create buffers, setbacks and other separations will mitigate the paved area. Natural features, such as trees and shrubbery, shall be a component of this design plan. The plan shall be submitted to the Zoning Officer prior to the start of construction.
- C. Lighting. A plan for lighting shall be submitted with the site plan. It shall include provision for general overhead lighting of the total area as well as appropriate small-scale lighting devices to highlight walkways and other design elements.
- D. Corner Lots. When an off-street parking lot is located at an intersection of two streets, two alleys, or a street and an alley, a buffer shall be created either at the side or front of the lot. The buffer shall be a minimum of four feet in depth and shall be planted with grass and/or appropriate shrubs. A barrier shall be installed to prevent vehicle access to the buffer area.

- E. Landscaping. Parking lots shall be landscaped to minimize the intrusive impact of the lot upon the property; the type of landscape materials shall be at the discretion of the owner, but shall, as a minimum, consist of grass and/or shrubs at the sides and front of the lot. Where the parking lot or area abuts an adjoining property, a four (4) foot deep landscaped buffer shall be created.
- F. All off-street parking space, including access drives and aisles, shall be paved with pervious material such as brick, stone, crushed gravel, non-grade, shale or other comparable material. In those instances where impervious surfaces are used, proper drainage shall be incorporated into the design in such fashion so as not to increase water runoff onto adjoining properties.

29. Parking Structure.

- A. No parking structure shall exceed 65 feet in height, and such structures shall be designed to minimize visual impact of the structure from selected areas within the Town. Any parking structure exceeding 50 feet in height shall provide a visual analysis of the structure as intended to be constructed. The visual analysis shall include a computerized photographic simulation demonstrating the visual impacts from nearby strategic vantage points selected by the Zoning Hearing Board. Based upon the intent to minimize visual impact of the structure to the greatest extent possible, a décor or similar architectural feature to screen parking on the uppermost floor from public viewing areas may be required.
- B. A parking structure shall have a front yard setback distance of not less than five feet and a side and rear yard setback of not less than eight feet. The aforementioned setback distances shall not apply when an existing on-grade lot is being converted into a parking structure for those sections of the facility which do not border a public right-of-way and have existing spaces that do not conform to the setback distances.
- C. Included within the required rear yard and side yard setback, there shall be a landscaped planting strip at least four feet wide, planted with shrubs or trees not less than three feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least four feet high within three years.

30. Partial Hospitalization Substance Abuse Treatment Facility. See “Substance Abuse Treatment Facility” in this section.

31. Place of Worship/Place of Assembly.

- A. Dimensional Requirements.
 - (1) In R-C and R-S Districts.
 - (a) Minimum Lot Area. Two (2) acres.

- (b) Minimum Lot Width. Two hundred (200) feet.
 - (c) Side Yard Setback. Fifty (50) feet on each side.
 - (d) All off-street parking areas shall be set back at least twenty-five (25) feet from the street right-of-way line.
 - B. All other base zoning districts, see dimensional requirements in the respective permitted zoning district.
32. Public Transportation Terminal.
- A. Public transportation terminals shall be provided with off-street loading and unloading space for passengers and cargo, with shelter from inclement weather for passengers and cargo and with access, circulation and parking areas on the site for buses, taxis and vehicles of patrons, visitors and employees.
33. Self-Service Storage Facility
- A. All storage units shall be water-resistant and meet Township building codes.
 - B. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. All such items stored out of doors must be licensed and inspected (if applicable).
 - C. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored, except for garbage that is generated on-site.
 - D. No items or vehicles shall be stored in interior traffic aisles, off-street parking areas, loading areas or driveway areas.
 - E. Commercial repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted, unless such use is also permitted.
 - F. Adequate lighting shall be provided to illuminate the area but directed away or shielded to direct light away from adjacent uses. Such lighting shall meet any other applicable provisions in the Township Code.
 - G. All outdoor storage areas shall be adequately screened from view from arterial streets, collector streets and residential lot lines. Such lighting shall meet the provisions any other applicable provisions in the Township Code
 - H. The use may include a single-family dwelling unit for the housing of an operator/caretaker and his/her family.
34. Sexually Oriented Uses.

- A. Purpose: The purpose of these provisions is to provide for establishments for sexually oriented uses, as so defined, in an appropriate environment which prevents the deleterious blighting or downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.
- B. Use Regulations: the principal permitted uses shall be sexually oriented uses as defined.
- C. Dimensional Regulations. All dimensional requirements shall conform with those applicable to the MX-2 Mixed Use 2 District.
- D. Development Regulations. Sexually oriented uses as so defined by this Chapter, shall be subject to the following development regulations:
 - (1) Site Location: Sexually oriented uses shall be located only in the MX-2 Mixed Use 2 District. The proposed location of any such a use shall be not less than 500 linear feet as measured to the nearest property line of another sexually oriented use, a residential district, a church and/or related religious institution, a school and/or a playground.

35. Shopping Centers.

- A. Purpose. The purpose of these requirements are to provide for new or expanded community shopping and office centers, designed as single entities, with building space for lease or sale, to meet the community needs for goods and services as well as those of a social, cultural and civic nature.
- B. Use Regulations. The principal permitted uses, accessory uses and special exception uses shall be the same as those permitted in the MX-2 District.
- C. Dimensional Regulations.
 - (1) Minimum Tract Area. A Shopping Center shall have an area of at least three acres.
 - (2) Minimum Tract Width. A Shopping Center shall have a minimum width of 300 feet.
 - (3) Front Yard. The minimum front yard shall be 100 feet as measured from the street right-of-way line.
 - (4) Side Yards. The minimum side yard for the tract shall be 50 feet for each side.
 - (5) Rear Yard. The minimum rear yard for the tract shall be 50 feet as measured from the rear property line.

- (6) Tract Coverage. Not more than 25% of the area of the community shopping center tract shall be covered by buildings.
 - (7) Building Height. Height regulations for the Highway. Commercial (H- C) District shall apply.
- D. Supplementary Regulations. (See Part V, Supplementary Regulations).
- E. Development Regulations. A shopping center shall also be subject to the following development regulations:
 - (1) Comprehensive Plan. A proposed Shopping Center shall be consistent with the Town of Bloomsburg Comprehensive Plan.
 - (2) Arrangement of Buildings. The community shopping center shall be designed as a unit with a harmonious arrangement of building groups, open space, pedestrian and vehicular circulation and parking areas so as to make a safe, convenient, aesthetically pleasing and functionally efficient shopping area.
 - (3) Buffer Area. A community shopping center shall have a buffer area along all boundary lines. Such buffer shall be located within the shopping center tract, may include side and rear yard setbacks, and shall be used for no other purpose than landscaping and access roads. The buffer shall consist of trees, shrubbery, flowers, grass and other foliage in an area having a depth of not less than 25 feet. Such buffer shall be maintained in good condition, free of paper and rubbish, and free from all advertising and other signs. In addition, shopping center lighting shall be directed away from abutting properties.
 - (4) Water and Sewerage Systems. All buildings within the shopping center shall be served by public water and sewerage.
 - (5) Ingress and Egress. Road access to public streets from a community shopping center shall be located no less than 250 feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within the Town shall be avoided. Not more than two points of ingress and egress shall be allowed on any abutting street.
 - (6) Pedestrian and Vehicular Circulation. Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center.
 - (7) Off-Street Parking and Loading: The requirements for off-street parking and loading, as described in Part V, "Supplementary Regulations" shall be met. In addition, off-street parking and loading spaces shall be provided as an integral

part of the shopping center site; be physically separated from public streets; be paved with a bituminous or concrete material; and be physically separated into sections by traffic islands or other approved means to provide for a safe, convenient and functionally efficient shopping area. Off-street parking and loading areas shall be lighted so that no part of such areas is in total darkness during nighttime use.

- (8) Drainage. Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties. All areas not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees, shrubbery and grass for absorption of water runoff and hence for flood protection.
- (9) Utilities. All utilities serving the community shopping center shall be placed at least four feet underground.
- (10) Other Development Regulations. If the community shopping center involves the development of a group of two or more buildings, or otherwise complies with the definition of land development in this Chapter, it shall also be subject to the regulations of the Subdivision and Land Development Ordinance [Chapter 22] of the Town of Bloomsburg.

36. Short-term Rental.

- A. Short-term rentals are subject to registration and licensure in authorized districts with the Town of Bloomsburg. Owners shall be responsible for keeping occupancy and transaction records and providing said records to the Town of Bloomsburg upon request.
- B. If applicable, the applicant shall identify to the Zoning Officer the method in which the Short-term Rental is advertised.
- C. An applicant shall identify the maximum number of overnight guests allowed at one time, subject to review by the Zoning Officer:
 - (1) The maximum number of overnight guests shall not exceed the maximum permitted density of the existing land use before a Short-term Rental zoning permit was submitted.
 - (2) OR: The maximum number of overnight guests shall not exceed the maximum permitted density of the zoning district.
 - (3) OR: No more than two (2) overnight guests per bedroom.

- (4) OR: No more than two (2) overnight guests per bedroom, unless otherwise approved by the Zoning Officer, pursuant to evidence provided by the applicant identifying overnight accommodation provided in other areas of the building.
 - D. All activity at the short-term rental shall be subject to enforcement of the Town's noise-, nuisance- and property maintenance-related ordinances.
 - E. See off-street parking requirements in § 27-511.
37. Student Housing.
- A. Purpose. The purpose of this use is to provide for student housing facilities that are designed and located in an appropriate manner to enhance the residential neighborhoods in which this housing is located.
 - B. Use Regulations. Student Housing shall meet the following regulations in addition to those of the underlying zoning district:
 - (1) The principal permitted use shall be Student Housing.
 - (2) No more than one (1) principal structure shall be permitted on a lot.
 - (3) In the MX-1 District, Student Housing shall only be permitted above the ground floor of a Mixed-Use Building.
 - C. Dimensional Regulations.
 - (1) Lot Size. The minimum lot size shall be 7,000 square feet.
 - (2) Lot Coverage.
 - (a) The maximum impervious surface coverage shall be 70%.
 - (b) The maximum building coverage shall be 40%.
 - (3) Habitable Floor Area. Refer to the International Property Maintenance Code, currently enforced by the Town of Bloomsburg.
 - (4) Yards.
 - (a) Minimum front setback: ten (10) feet.
 - (b) Maximum front setback: twenty (20) feet.
 - (c) Minimum side setback: five (5) feet.
 - (d) Minimum rear setback: fifteen (15) feet.
 - (5) Building Height. The maximum height shall be three stories or 35 feet.
 - (6) Performance Standards.

- (a) All residential construction shall substantially conform in street orientation and massing to adjacent structures.
 - (b) Student housing shall be clad in wood siding, vinyl siding, composite siding (cement board), stone, or brick.
 - (c) Principal building roofs should have a pitch that substantially conforms to the roof pitches of adjacent homes.
 - (d) Garden and retaining walls shall be constructed from block of the ornamental variety designed for use in landscaping projects. Walls over 48 inches shall be constructed in accordance with ordinances and/or codes adopted and enforce by the Town and also be designed by a registered architect or a professional engineer, licensed to operate in the State of Pennsylvania, and submitted to the Town for review and approval.
 - (e) Separation between student housing. Each lot/parcel containing a building used for student housing shall be separated from any other lot/parcel containing a building used for student housing by a minimum of 350 feet, measured from lot line to lot line, in accordance with the most recent tax maps on file or electronic media available at the business offices of the Town of Bloomsburg. Any dispute to the accuracy of the Code Enforcement Office, while interpreting this Section, may be resolved with the filer providing documentation to the contrary which has been prepared by a surveyor licensed by the State of Pennsylvania.
- (7) Landscaping Criteria.
- (a) Development without parking between the building line and street or alley. If there is no parking anywhere between the established building line, projected from the corner of the building to property lines:
 - 1) A four-foot perimeter buffer shall be provided along the side yards and rear yards of the property. The buffer shall contain at least one two-inch-caliper tree every twenty (20) feet, four (4) feet in from the property line, and at least three (3) shrubs of at least three (3) gallons in size clustered between each two (2) trees.
 - 2) If the proposed parking lot contains twenty (20) stalls or more, an additional 5% of the parking lot area shall be reserved for interior landscaping. Planting beds running adjacent to and parallel with the building, perimeter landscaping and buffer requirements shall not count towards this requirement.
 - 3) Parking shall not be permitted within the buffer.

- (b) Development with parking located between the building line and street or alley. If any parking is located between the street or alley and the building line, the following shall apply:
 - 1) A ten-foot-wide buffer shall be provided for the length of any parking area abutting the street or alley. The buffer area shall contain at least one two-inch-caliper tree for every 20 feet and at least three shrubs of at least three gallons in size clustered between each two trees.
 - 2) A six-foot side and rear yard buffer shall be provided. The buffer shall contain at least one two-inch-caliper tree spaced every 20 feet and three shrubs of at least three gallons in size clustered between each two trees.
 - (8) Site Element Areas. Areas for parking, recreation, service, utility equipment, waste receptacles, dumpsters and/or other elements which, because of their appearance, odor and/or noise, would be offensive to those occupying the lot or adjoining lots or those on the street shall be screened, landscaped or otherwise treated to eliminate the offensive condition.
 - (9) All other aspects of this Chapter (the Zoning Ordinance) and Chapter 22 (the Subdivision and Land Development Ordinance), as applicable.
- 38. Substance Abuse Detoxification Treatment Facility. See “Substance Abuse Treatment Facility”
- 39. Substance Abuse Treatment Facility
 - A. Regulatory and Operational Standards:
 - (1) Maximum Number of Beds. The maximum number of beds within any type of substance abuse treatment facility which allows overnight stay of patients shall be based upon the applicable regulations of the Pennsylvania Department of Drug and Alcohol Programs or such other agency or body designated by the Commonwealth of Pennsylvania having jurisdiction thereof, but in no case shall such a facility be designed and/or used to accommodate more than twenty (20) overnight patients.
 - (2) Any type of substance abuse treatment facility shall provide a narrative that fully describes all services to be provided within the facility.
 - (3) Any type of substance abuse treatment facility shall provide a floor plan of the facility showing the use of all areas within the facility, with the dimensions and square feet of each room therein and its intended purpose and use.

- (4) Any type of substance abuse treatment facility shall provide its intended hours of operation.
- (5) Any type of substance abuse treatment facility shall provide a copy of its on-site management plan, or its equivalent, as required by the Pennsylvania Department of Drug and Alcohol Programs or such other agency or body designated by the Commonwealth of Pennsylvania having jurisdiction thereof, which includes emergency operations and persons responsible for implementation of stated measures and/or operations.
- (6) Any type of substance abuse treatment facility shall provide the maximum number of employees employed by the facility, including those indirectly employed under contracted services.
- (7) Design Features.
 - (a) Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
 - (b) See § 27-511 – Off-Street Parking and Loading.
 - (c) A substance abuse treatment facility shall not be located less than 1,000 feet from any other substance abuse treatment facility.
 - (d) If a substance abuse treatment facility is located within 250 feet of a residential zoning district, all outdoor activity and/or seating areas shall be screened from public view and from the view of adjacent properties.

40. Truck Terminal. See requirements for “Distribution Center.”

41. Warehouse. See requirements for “Distribution Center.”

§ 27-606 Reserved.

PART VII

SIGNAGE

§ 27-701 Purpose.

The purpose of this Part is to regulate signage of all types visible from a public right-of-way for the following ends: to protect public safety by reducing potential hazards associated with signage, to protect and enhance property values, to preserve the aesthetic character and quality of neighborhoods, to protect open space, and to ensure compatibility with the character of neighboring uses. Illustrations of general sign structures are available on file in the Town Hall as part of an application for sign approval.

§ 27-702 General Regulations.

1. Sign Location.
 - A. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
 - B. No sign may occupy a clear sight triangle.
 - C. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
 - D. All freestanding signs shall meet a minimal setback to be identical to the yard requirement of the district in which the property is located.
2. Materials and Construction. Every sign shall be:
 - A. Constructed of durable materials, using noncorrosive fastenings;
 - B. Structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code and/or all other ordinances and codes enforced by the Town; and
 - C. Maintained in safe condition and good repair at all times so that all sign information is clearly legible.
3. Sign Area.
 - A. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
 - B. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

- C. Signs may be double-sided:
 - (1) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
 - (2) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - (3) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
 - (4) See § 27-707.9. for specific regulations related to Billboards.
 - D. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
 - E. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
4. Sign Height.
- A. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
 - B. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
5. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
6. Illumination.
- A. Externally illuminated signs shall be illuminated by a white light that does not move or change intensity. External light shall be directed at the sign without light spillover and without causing glare for motorists, pedestrians or neighboring properties.
 - B. Externally illuminated signs may be backlit with a diffused or shielded light source to control glare. Backlighting shall illuminate the letters, characters or graphics on the sign but not its background.

- C. Internally illuminated signs shall have a dark background with illuminated text that accounts for a maximum of twenty percent (20%) of the total sign area.

7. Digital Display

- A. Digital displays are permitted in the form of freestanding signs only.
- B. Digital display signs may not remain in use while any of the pixels or other form of illumination are not functioning.
- C. All messages, images or displays on a digital sign shall remain unchanged for a minimum of eight (8) seconds. Signs of twenty-four (24) square feet or less which indicate only the time, temperature, date or similar information shall be excluded.
- D. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
- E. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
- F. There shall be no appearance of flashing, twinkling, blinking, or sudden bursts of light, and no appearance of video motion, animation, scrolling, twirling, or flow of the message, image or display.
- G. The luminance of the sign display shall be controlled so as to not create glare, hazards or nuisances. The luminance or brightness of the display shall not exceed five thousand (5,000) nits during daylight hours and one hundred fifty (150) nits during hours of darkness. Each digital sign or electronic message sign shall be equipped with automatic dimming technology to adjust the sign's brightness based on ambient light conditions.
 - (1) The luminance specification shall be determined by a calibrated luminosity meter, operated by a qualified lighting professional following the instruments manufacturer's instructions.
 - (2) The measurement of luminance should be taken from the nearest roadway location perpendicular to the center of the digital sign face or electronic message sign face.
 - (3) The measurement of luminance shall include the measurement of an all-white image displayed by the sign to evaluate the worst-case condition.

- 8. Except for Billboards in conformance with all applicable provisions of this Ordinance, no off-premises signs shall be permitted in any Zoning District.

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9. All signs to be erected along the right-of-way of any Federally-aided or State highway shall also be in accordance with the regulations of the Pennsylvania Department of Transportation.

§ 27-703 Nonconforming Signs.

1. Signs legally existing at the time of enactment of this Chapter and which do not conform to the requirements of the Chapter shall be considered nonconforming signs.
2. An existing lawful nonconforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A nonconforming sign shall not be expanded in a manner that does not conform to this Chapter.
3. Unlawful Signs. If a sign was placed without a required permit by the Town, and does not comply with this Chapter, it shall not be considered lawful, and shall be required to be removed.

§ 27-704 Sign Use Permissions & Dimensional Criteria.

1. Sign Use Permissions. Table Y establishes the following:
 - A. All signs that require a permit. See §27-707.9 for Billboards.
 - B. The respective sign categories italicized; and
 - C. The respective districts where specific signs are allowed, subject to permit requirements set forth in this Part.

Table Y: Sign Permissions for Signs Requiring a Permit

P: Sign is allowed, subject to permit requirements.

Sign Name	Group 1 (R-C; R-S; R-U)	Group 2 (MX-1; C-R)	Group 3 (IN)	Group 4 (BC; MX-2; MX-3)	Group 5 (I-P; C-W)
<i>Non-Permanent Signs</i>					
Banner	P	P	P	P	P
Limited Duration Sign	P	P	P	P	P
<i>Portable Signs</i>					
A-Frame Sign		P	P	P	P
<i>Freestanding Signs</i>					
Ground Sign		P	P	P	P
Pylon Sign			P	P	P
Directional Signs			P	P	P
<i>Building Signs</i>					
Awning Sign		P	P	P	P
Canopy Sign		P	P	P	P
Landmark Sign			P		P
Marquee Sign		P	P	P	P
Projecting Sign		P	P	P	P
Roof Sign				P	P
Wall Sign		P	P	P	P
Window Sign		P	P	P	P

2. Sign Dimensional Criteria. The following tables outline the dimensional criteria for signs within their respective zoning groups. The zoning groups are established as follows:
 - A. Group 1: R-C Residential Conservation, R-S Residential Suburban, R-U Residential Urban.
 - B. Group 2: MX-1 Mixed Use 1, C-R Commercial Residential.
 - C. Group 3: IN Institutional.
 - D. Group 4: BC Business Campus, MX-2 Mixed Use 2, MX-3 Mixed Use 3.
 - E. Group 5: IP Industrial Park, C-W Commercial Warehouse.

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Group 1 (R-C, R-S, R-U)				
PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	MIN HEIGHT	MAX HEIGHT
<i>Non-Permanent Signs</i>				
Banner	<i>See Section ____</i>			
Limited Duration Sign	6 sf	2	N/A	not exceeding building height
Group 2 (MX-1; C-R)				
PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	MIN HEIGHT	MAX HEIGHT
<i>Non-Permanent Signs</i>				
Banner	<i>See Section ____</i>			
Limited Duration Sign	6 sqft.	2	N/A	not exceeding building height
<i>Portable Signs</i>				
A-Frame Sign	7 sf per side	2	N/A	3.5 ft
<i>Freestanding Signs</i>				
Ground Sign	20 sqft.	1	N/A	4 ft
Pylon Sign				
Directional Signs				
<i>Building Signs</i>				
Awning Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	equal to the eaveline or the bottom of the second story window sill, whichever is lower
Canopy Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	equal to the eaveline or the bottom of the second story window sill, whichever is lower
Marquee Sign	the total area of all signs on a single marquee structure shall not exceed 150 sqft. in area	one (1) marquee structure per principal building	9 ft clearance from finished grade	equal to the eaveline
Projecting Sign	6 sqft.	1 per ground floor establishment, plus 1 per building entrance serving one or more commercial tenants without a ground floor entrance	9 ft clearance from finished grade	not exceeding building height
Roof Sign				
Wall Sign	Maximum 24 sqft.	1	N/A	equal to the eaveline or the bottom of the second story window sill, whichever is lower
Window Sign	See Section ____	N/A	N/A	N/A
<i>Off-Premises Signs</i>				
Billboard				

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Group 3 (IN)				
PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	MIN HEIGHT	MAX HEIGHT
<i>Non-Permanent Signs</i>				
Banner	<i>See Section ____</i>			
Limited Duration Sign	16 sf	2	N/A	not exceeding building height
<i>Portable Signs</i>				
A-Frame Sign	7 sf per side	2	N/A	3.5 ft
<i>Freestanding Signs</i>				
Ground Sign	30 sf	1	N/A	6 ft
Pylon Sign	75 sf	1	N/A	30 ft
Directional Signs	4 sf	6	N/A	4 ft
<i>Building Signs</i>				
Awning Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Canopy Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Marquee Sign	5 sf per linear ft of principal building frontage	1	9 ft clearance from finished grade	not exceeding building height by greater than 5 ft
Projecting Sign	6 sf	1	9 ft clearance from finished grade	not exceeding building height
Roof Sign				
Wall Sign	1 sf per linear ft of principal building frontage	1	N/A	N/A
Window Sign	20% of total glass area	N/A	N/A	N/A
<i>Off-Premises Signs</i>				
Billboard				

Group 4 (BC; MX-2; MX-3)				
PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	MIN HEIGHT	MAX HEIGHT
<i>Non-Permanent Signs</i>				
Banner	<i>See Section ____</i>			
Limited Duration Sign	16 sf	2	N/A	not exceeding building height
<i>Portable Signs</i>				
A-Frame Sign	7 sf per side	2	N/A	3.5 ft
<i>Freestanding Signs</i>				
Ground Sign	50 sf	1	N/A	10 ft
Pylon Sign	50 sf	1	N/A	30 ft
Directional Signs	4 sf	6	N/A	4 ft
<i>Building Signs</i>				
Awning Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Canopy Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Marquee Sign	5 sf per linear ft of principal building frontage	1	9 ft clearance from finished grade	not exceeding building height by greater than 5 ft
Projecting Sign	6 sf	1	9 ft clearance from finished grade	not exceeding building height
Roof Sign	5 sf per linear ft of principal building frontage	1	N/A	not exceeding building height by greater than 5 ft
Wall Sign	1 sf per linear ft of principal building frontage	1	N/A	N/A
Window Sign	20% of total glass area	N/A	N/A	N/A
<i>Off-Premises Signs</i>				
Billboard				

Group 5 (I-P; C-W)				
PERMITTED SIGN TYPE	MAXIMUM SIGN AREA	MAXIMUM QUANTITY	MIN HEIGHT	MAX HEIGHT
<i>Non-Permanent Signs</i>				
Banner	<i>See Section ____</i>			
Limited Duration Sign	16 ft	2	N/A	not exceeding building height
<i>Portable Signs</i>				
A-Frame Sign	7 sf per side	2	N/A	3.5 ft
<i>Freestanding Signs</i>				
Ground Sign	50 sf	1	N/A	10 ft
Pylon Sign	75 sf	1	N/A	30 ft
Directional Signs	4 sf	6	N/A	4 ft
<i>Building Signs</i>				
Awning Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Canopy Sign	1 sf per linear ft of principal building frontage	N/A	9 ft clearance from finished grade	not exceeding building height
Marquee Sign	5 sf per linear ft of principal building frontage	1	9 ft clearance from finished grade	not exceeding building height by greater than 5 ft
Projecting Sign	75 sf	1	9 ft clearance from finished grade	not exceeding building height
Roof Sign	8 sf per linear ft of principal building frontage	1	N/A	not exceeding building height by greater than 10 ft
Wall Sign	1 sf per linear ft of principal building frontage	1	N/A	N/A
Window Sign	20% of total glass area	N/A	N/A	N/A
<i>Off-Premises Signs</i>				
Billboard	400 sf	1	N/A	30 ft

§ 27-705 Prohibited Signs.

1. For the safety of Town inhabitants, the following types of signs shall not be permitted in the Town of Bloomsburg:
 - A. Snipe Signs. Any signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way are prohibited.
 - B. Inflatable Signs. Any signs in the form of air-inflated objects of various shapes that are made of flexible fabric and placed on the ground or a structure, which are not considered holiday or seasonal decorations.
 - C. Abandoned Signs. Any signs which have not identified or advertised a business, service, owner, product, or activity for a period of at least one hundred eighty (180) days (for off-premises signs) and three hundred sixty (360) days (for on-premises signs).

- D. Vehicular Signs. Any signs that are painted on, affixed to, or transported by a vehicle and/or trailer that is parked in public view, not used for normal day-to-day operations of a business or service, and/or not regularly moved for business or service.

§ 27-706 Signs Exempt.

The following signs shall be allowed without a sign permit, provided such signs comply with the regulations in this Section:

1. Temporary Signs. A non-permanent sign, permitted as any type of sign permitted within the zoning district, in accordance with the applicable dimensional requirements of this Chapter, shall be placed for no more than sixty (60) days, two (2) times per calendar year.
 - A. Temporary Signs shall not exceed six (6) square feet on a single face and will be placed no more than one month prior to the event or vacancy described and removed within seven (7) days of the end of the event or vacancy.
 - B. Where a landowner seeks for a temporary sign to remain on the premises for longer than sixty (60) days, a permit for a Limited Duration Sign shall be required and shall comply with the requirements herein.
2. A-Frame (Sandwich Board) Signs.
 - A. A-Frame Signs shall be permitted in a sidewalk, only in front of or beside a nonresidential use or a home occupation.
 - B. A-Frame Signs within a sidewalk shall only be permitted during the business or service hours of the nonresidential use or home occupation.
 - C. A minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
3. Incidental Signs.
4. Public Signs.
5. Signs inside a building or structure, which are not facing a front façade window.
6. Holiday Decorations.
7. Personal Expression Signs. Personal expression signs of any sign type, provided that the sign type is permitted within the respective zoning district and are non-commercial in nature and non-illuminated.
8. All personal expression signs, provided that they shall be no greater than three (3) square feet in area and shall be nonilluminated.

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9. Address Signs. Up to two (2) address signs stating the address, number and/or name of occupants of the premises, which shall not include any commercial advertising or other identification.
10. Signs or emblems for any religious, civil, philanthropic, historical, or educational organizations.
11. Private Drive Signs. One (1) sign per driveway entrance, not to exceed two (2) square feet in area.
12. Security Signs.
13. Flags.
 - A. Location. Flags and flagpoles shall not be located within or over top of any right-of-way.
 - B. Height. Flags shall have a maximum height of thirty (30) feet.
 - C. Size. Maximum flag size is twenty-four (24) square feet in residential districts and thirty-five (35) square feet in all other districts.
 - D. Shall not include any commercial messaging or the identification of a business.
14. Murals provided such signs do not contain 1) any commercial messaging or 2) any obscenities not protected by the First Amendment and as defined by the United States Supreme Court.

§ 27-707 Additional Requirements for Signs Requiring a Permit.

1. Freestanding Signs.
 - A. There shall only be one (1) freestanding sign per right-of-way frontage, except for any exempt signs unrelated to the principal use of the lot.
 - B. Freestanding Signs shall not have more than two (2) faces.
2. Landmark Signs.
 - A. One (1) landmark sign may be constructed per lot.
 - B. A landmark sign shall not exceed 50% of the building face upon which the sign is affixed.
 - C. A landmark sign must be of dimensional or of 3-D construction.
 - D. The detailed design of the landmark sign shall be presented to the Town as part of the permit application.

- E. A landmark sign may project above the height of the upper building face, extend above the roof eave, or be roof mounted, provided the sign does not exceed the building height by more than twelve (12) feet or 20% of actual height; whichever is greater.
 - F. A landmark sign may straddle a building corner.
 - G. In addition to traditional lighting sources, neon and/or LED technology may be utilized as part of a landmark sign, however changes in lighting colors may not exceed six (6) changes per hour.
 - H. Except for LED and neon lighting, the source emitting the light cannot be visible from the ground.
3. Marquee Signs.
- A. Such signs may be painted on or attached flat against the surface of the marquee but may not extend or project beyond the marquee or be attached to the underside thereof.
 - B. Letters or symbols on such signs will not exceed sixteen (16) inches in height.
 - C. The minimum distance between any two marquees shall be three hundred (300) feet.
4. Wall Signs.
- A. No wall sign will project more than four (4) inches from the building surface, nor extend beyond the ends of the wall to which it is attached.
5. Projecting Signs.
- A. No sign(s) will project beyond four (4) feet from the building or structure to which it/they are attached.
 - B. All signs overhanging any public right-of-way (including sidewalks) will be covered by a liability insurance policy with a company authorized to conduct business in the Commonwealth of Pennsylvania.
6. Window Signs.
- A. Permitted sign area in Group 2 (MX-1 and C-R).
 - (1) A maximum of 15% of the total window area of any single storefront may be used for signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - B. Such signs will advertise only on-premises uses, activities, goods, services, or products.

- C. An exterior window sign shall not extend more than 1/16 inch from the exterior face of the window to which it is affixed.
- D. Any posted materials, including but not limited to flyers or posters, whether inside or outside shall count towards the maximum sign area.

7. Banner

- A. Applications for banners hung across or in a public right-of-way will not be approved unless the applicant signs a written agreement to hold the Town harmless and to release and indemnify the Town from any liability, claim, damages, costs, expenses (including attorney's fees incurred by the Town) that may result from the Town's grant of permission for a banner or as result of any agreement that the Town enters into with the Pennsylvania Department of Transportation (PennDOT) in order to obtain permission for the installation of such a banner. Banners must be hung in accordance with all PennDOT and Town regulations. The applicant must also present a certificate of liability insurance, in an amount satisfactory to the Town Manager, which will provide coverage for any claim arising from the installation of a banner.

8. Limited Duration Signs.

- A. Types of Signs Permitted. Limited Duration Signs shall be permitted in accordance with the sign types specified within the zoning district of the subject lot, except in no case shall a Limited Duration Sign be permanently affixed to any building or permanently ground-mounted.
- B. A Limited Duration Sign may be placed on a lot for up to one (1) year and subject to annual permit renewal.
- C. Sign dimensions, height, placement, and all other applicable standards for the sign types as listed on the dimensional tables in § 27-704 shall apply to Limited Duration Signs.

9. Billboards

- A. Use Permissions. Billboards shall be permitted in the following zoning districts:
 - (1) MX-3, within five hundred (500) feet of State Route 11 or West Main Street, measured from the street centerline.
 - (2) MX-2, within two hundred (200) feet of Columbia Boulevard, measured from the street centerline.
 - (3) C-W, within five hundred (500) feet of Interstate 80, measured from any street centerline.
 - (4) C-R, within five hundred (500) feet of an MX-3 district boundary.

- (5) R-C, within five hundred (500) feet of State Route 11 or Interstate 80.
- B. A Billboard shall be considered a secondary use to a principal use.
- C. There shall be no more than one billboard sign on any premises at any one time.
- D. Billboards shall only be constructed as a freestanding sign and have no structural contact with any building or other structure.
- E. Sign Area. The maximum surface area of the sign shall be four hundred (400) square feet per side. Billboards shall have a maximum of one (1) sign face per structure if one-sided or two (2) sign faces per structure if two-sided. Determination between one-side and two-sided shall be in accordance with the following:
 - (1) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.
 - (2) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.
 - (3) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
- F. The maximum height of the sign shall be twenty-two (22) feet, measured from the natural ground to the top of the sign. The maximum height and size requirement governing all other freestanding signs as defined by this ordinance shall not apply to billboard signs the lowest edge of an off-premises sign shall be at least seven (7) ft. above the finished grade.
- G. Billboards that are not located at the grade of the arterial street they are located along shall be located so as to be no higher than forty (40) feet above the curb of the street from which they are intended to be viewed.
- H. No Billboard shall be placed within seven hundred and fifty (750) feet of any property within a Residential District classification or any public or private school property, park, library or place of worship when the display face to the Billboard will be visible therefrom. This required distance shall be measured along the frontage of the street or highway on which the Billboard is located.
- I. No Billboard shall be placed within 1,500 ft. from other off-premises sign on either side of the road measured linearly.

- J. No part of any Billboard shall be located closer than fifteen (15) feet to any street right-of-way.
- K. No Billboard shall be erected closer than one thousand (1,000) feet to any other existing or proposed Billboard.
- L. The location of a Billboard shall not obstruct visibility of any other business sign, nor shall it obstruct visibility for traffic entering or leaving any property or traveling on any street.
- M. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- N. Landscaping
 - (1) A decorative landscaped strip shall be located immediately adjoining the supporting structure of the Billboard sign and extending a minimum of five (5) feet from the Billboard in all directions.
 - (2) A hedge or other durable planting of at least two (2) feet in height, shall extend the entire length and breadth of the required landscaped strip.
 - (3) The rear side of a single-faced Billboard sign shall be of one (1) color and screened by existing or natural landscaping material or by an evergreen planting at least six (6) feet tall and extending the length of the Billboard.
 - (4) Two (2) flowering trees a minimum of six (6) feet in height shall be planted within the required landscaping strip.

§ 27-708 Sign Illumination.

- 1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - A. Location. Table Z provides detailed information about what types of illumination are permitted in each zoning district.
 - B. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - C. No more than 0.2 footcandle of light shall be detectable at the boundary of any abutting property.
 - D. Hours of Operation.

- (1) Signs on non-residential properties may be illuminated from 5 am until 11 pm, or half-hour past the close of business of the facility being identified or advertised, whichever is later.
 - E. Brightness. Message center signs and digital displays are subject to the following brightness limits:
 - (1) During daylight hours (sunrise to sunset), luminance shall be no greater than five thousand (5,000) nits.
 - (2) At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - F. Message Duration. The length of time where a stationary message may be displayed shall be no less than eight (8) seconds.
2. Types of Illumination. Where permitted, illumination may be:
- A. External. Externally illuminated signs, where permitted, are subject to the following regulations:
 - (1) The source of the light must be concealed by translucent covers.
 - (2) External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - B. Internal. Internally illuminated signs, where permitted, are subject to the following regulations:
 - (1) Internal illumination, including neon lighting, must be static in intensity and color.
 - (2) Message center signs and digital display signs are permitted in accordance with the regulations contained in Subsection C.
 - C. Message Center and Digital Display Signs.
 - (1) Sign Type. Message center and digital display signs are permitted in the form of ground, pylon, and wall signs.
 - (2) Height. A message center sign or digital display sign shall have the same height limits as other permitted signs of the same type and location.
 - (3) Area.
 - (a) When used as an on-premises sign, message center or digital display signs shall not exceed 50% of the sign area for any one sign, and shall not

exceed more than 30% of the total area for all signs permitted on a property.

(b) When used as an off-premise sign, message center or digital display signs may be used for the full permitted sign area.

(4) Message Display. No message center and digital display signs may not contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.

3. Permitted Sign Illumination Types by Zoning Group.

Table Z” Sign Illumination Types by Zoning Group.

Y: Allowed

N: Not allowed.

District	Permitted Illumination Type			
	Internal	External	Digital Display	Message Center Sign
Group 1 (R-C, R-S, R-U)	N	N	N	N
Group 2 (MX-1, C-R)	Y	Y	N	N
Group 3 (IN)	Y	Y	Y	Y
Group 4 (BC, MX-2, MX-3)	Y	Y	Y	Y
Group 5 (IP, C-W)	Y	Y	Y	Y

§ 27-709 Reserved.

PART VIII

NONCONFORMITIES

§ 27-801 General.

All lawful uses of land or of a building, or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such nonconforming uses shall comply with the provisions of this Part.

§ 27-802 Continuation.

1. The property owner shall secure a certificate of nonconformance under § 27-808, for the purpose of ensuring to the owner the right to continue such nonconforming building or use.
2. Continuation of a lawful nonconforming use shall comply with the ordinances and/or codes adopted and enforced by the Town, (see also Chapter 5 - Code Enforcement). Town fire code officials, including the Building Code Official, the Fire Marshall and their assistants, shall determine if such a use or building poses a significant public safety hazard. Nonconforming uses or building that present such a public safety hazard shall not be granted lawful continuation.

§ 27-803 Existing Nonconforming Lots of Record.

In any district in which single-family detached dwellings are permitted and notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customarily accessory buildings may be erected on any single lot of record which was present at the effective date of adoption. This provision shall not apply if such a lot has continuous road frontage with other lots of the same ownership, in which case a consolidation is feasible to remedy the dimensional non-conformity. This provision shall apply even if the lot fails to meet the requirements for lot area or lot width or both, for the district in which the lot is presently located, provided that the yard dimensions, coverage and other requirements of this chapter not involving lot area or lot width shall conform to the regulations for the district in which it is located.

§ 27-804 Alterations and Reconstruction.

1. Repairs and structural alterations not constituting extensions, expansions or enlargements greater than twenty-five (25) percent may be made to a nonconforming building or to a building occupied by a nonconforming use.

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2. A nonconforming building damaged by fire or natural disaster may be rebuilt and used for the same purposes, provided that:
 - A. The reconstruction of the building is commenced within one year from the date of the destroying of the building and is carried to completion without undue delay.
 - B. The reconstructed building does not exceed in height, building area, and volume of the building destroyed.
 - C. The building or land use that existed prior to damage may be continued to the same degree upon reconstruction of the building.
3. When a total reconstruction of a structure is deemed necessary or in the best interest of public health, safety and welfare, the new structure shall meet all requirements of the district for which it is located.
 - A. The setbacks for the new structure shall be permitted to remain consistent with the existing nonconforming structure if the existing setbacks match the character of the surrounding community and streetscape.

§ 27-805 Extensions, Expansions and Enlargements.

1. Land, building or structures occupied or used for residential or nonresidential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. A nonconforming use or structure may be extended or enlarged when authorized as a special exception subject to the following conditions and safeguards as may be imposed by the Zoning Hearing Board in accord with the provisions of this chapter.
 - A. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted only once.
 - B. Any extension, expansion or enlargement shall conform to the building height, lot area, yard and coverage regulations of the district in which it is located.
 - C. In cases in which a building is nonconforming with applicable minimum yard setback requirements, the portion of the structure located within the required yard setback may be expanded or enlarged by not greater than twenty-five (25) percent of its gross floor area. The expansion or enlargement shall not result in the building extending further into the yard setback than what exists currently. Request for additional expansions beyond twenty-five (25) percent shall be subject to Special Exception approval in accordance with § 27-905.
 - D. In cases in which lot coverage is nonconforming with applicable maximum lot coverage requirements, the number of square feet exceeding the maximum lot coverage may be

expanded or enlarged by no greater than 25 percent. The adequacy of stormwater management to accommodate the increased lot coverage shall be evaluated and deemed acceptable by the Town Engineer.

- E. When an existing nonconforming use of a building, structure or land is expanded, off-street parking and/or loading facilities shall be provided in accordance with the applicable provisions of this chapter for the net increase of expansion based upon land area and/or gross floor area of the subject use. Any existing use, prior to its expansion, which does not conform to the required number of off-street spaces that would otherwise be required shall not be required to provide said spaces as a condition for zoning approval. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant lot or lots adjacent to the parcel containing the nonconforming building or use.

§ 27-806 Change of Use.

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. A nonconforming use may be changed to another nonconforming use of equal or less intensity as adjudged by the Zoning Officer. Whenever a nonconforming use has been changed to a less intense or to a conforming use, such use shall not hereafter be changed to a more intense use.

§ 27-807 Abandonment and Discontinuation.

1. The removal of a nonconforming mobile home from the site it occupied shall constitute abandonment of the site so occupied and subsequent use of said site shall conform with the provisions of this chapter.
2. The removal of a second residential building from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted, except as otherwise permitted within this Ordinance.
3. Mobilehome Parks, Trailer Camps or Trailer Parks which are nonconforming under the terms of this chapter shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of the Act 175 of April 9, 1929, P.L. 177, as amended, the Administrative Code of 1929, 71 P.S. § 51 et seq., and all other applicable laws.

§ 27-808 Registration and Certificate of Nonconformity.

1. It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful, including documentation of the property's historically established use. The property owner may request certificate of nonconformance from the Zoning Officer

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after providing sufficient evidence. The Zoning Officer shall maintain records of nonconforming uses or structures which shall contain the names and addresses of all persons having an ownership or possessory interest in the property, a description of the property, its location, its zoning classification, a detailed description of each nonconforming use and structure, the manner in which it is nonconforming, the date and a detailed description of each alteration, restoration, reconstruction, change, extension, and enlargement, the date of any abandonment or discontinuance, the date of issuance of each certificate of nonconformance, and any other pertinent information.

§ 27-809 Reserved.

PART IX

ZONING HEARING BOARD

§ 27-901 Establishment and Membership.

1. When used hereafter in this Part, the word “Board” shall mean the Zoning Hearing Board.
2. There shall be a Zoning Hearing Board, which shall consist of three (3) members who shall be appointed by resolution by the Town Council. The membership of the Board shall consist of residents of the Town. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Town Council of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall not hold any other elected or appointed offices in the Town. Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Town Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
3. The Town Council may appoint by resolution at least one (1) but no more than two (2) residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of § 27-902, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall not hold any other elected or appointed offices in the Town. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated, unless designated as a voting alternate member.

§ 27-902 Organization of Board.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority

among all alternates. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Town and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Town, and shall submit a report of its activities to the Town Council upon request.

§ 27-903 Expenditures for Services.

Within the limits of funds appropriated by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Town Council. Alternate members of the Board may receive compensation, as may be fixed by the Town Council, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Town Council.

§ 27-904 Hearings.

1. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - A. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, Town Secretary, each member of the Town Council, Secretary of the Town Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
 - B. The Town Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs;
 - C. The hearing shall be held within sixty (60) days from the date of receipt of the applicant's request unless the applicant has agreed in writing to an extension of time.
2. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made

by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final;

3. The parties to the hearing shall be the Town, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose;
4. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof;
8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of the Act or of this Ordinance, rule or regulation shall contain a reference to the

provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction;

10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,
11. Effect of Board's Decision:
 - A. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board may at any time, upon application in writing, extend either of these deadlines;
 - B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board;

- C. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request, which would supersede the deadlines imposed in §§ this Chapter. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

§ 27-905 Board's Functions.

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

- 1. Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Town Council pursuant to this Ordinance.
 - A. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance, which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Zoning Map;

- (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - B. Public notice of the hearing shall be provided;
 - C. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
 - D. The Zoning Hearing Board shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
- 2. Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;
- 3. Special Exceptions, as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
 - A. Filing Requirements. In addition to the required zoning permit information each special exception application shall include the following:
 - (1) Ground floor plans and elevations of proposed structures;
 - (2) Names and address of adjoining property owners including properties directly across a public right-of-way;
 - (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
 - B. General Criteria. Each applicant must demonstrate compliance with the following:

- (1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 - (3) The proposed use will not substantially change the character of the subject property's neighborhood;
 - (4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
 - (5) For development within the Floodplain Zone, that the application complies with those requirements listed in this Ordinance;
 - (6) The proposed use shall comply with those criteria specifically listed in Part 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,
 - (7) The proposed use will not substantially impair the integrity of the Town's Comprehensive Plan;
- C. Conditions. The Zoning Hearing Board in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions, which are more restrictive than those, established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Part 7; and,
- D. Site Plan Approval. Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.
4. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
- C. That such unnecessary hardship has not been created by the appellant;
- D. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
- F. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and subject to the penalties described in §27-1003;
- G. **Filing Requirements.** In addition to the required zoning permit, each variance application shall include thirteen (13) copies of the following:
 - (1) Ground floor plans and elevations of existing and/or proposed structures;
 - (2) Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
- H. **Conditions.** The Zoning Hearing Board in approving variance applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions, which are more restrictive than those, established for other uses in the same zone. These conditions shall be enforceable by the Zoning

Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in Part 7; and,

- I. Site Plan Approval. Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan;
5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease-and-desist order or the registration or refusal to register any non- conforming use, structure or lot;
6. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any provisions contained within the Floodplain Zone;
7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
8. Appeals from the Zoning Officer's determination (and any subsequent amendments) of the Act; and,
9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Articles V and VII of the PA MPC, respectively.

§ 27-906 Parties Appellant Before the Board.

1. Appeals and proceedings to challenge this Ordinance may be filed with the Board in writing by the landowner affected, any officer, or agency of the Town, or any person aggrieved. Requests for a variance and/or a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:
 - A. The name and address of the appellant and applicant;
 - B. The name and address of the landowner of the real estate to be affected;
 - C. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;

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- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- E. A statement of the section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

§ 27-907 Time Limitations.

1. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If said person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
2. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to the Act, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

§ 27-908 Stay of Proceeding.

1. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the

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appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted, and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

2. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

§ 27-909 Appeal.

Any person, taxpayer, or the municipality aggrieved by any decision of the Board may within thirty (30) days after such a decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania.

PART X
ADMINISTRATION AND ENFORCEMENT

§ 27-1001 Zoning Officer.

1. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Town Council, who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Town Council in January to serve until the first day of January next following and shall thereafter be appointed annually to serve for a term of one (1) year and/or until his successor is appointed. The Zoning Officer may succeed himself. He/she shall receive such fees or compensation as the Town Council may, by resolution, provide. The Zoning Officer shall not hold any elective office within the Town. The Zoning Officer may designate an employee of the Town, or an agent thereof, as his Assistant, subject to the approval of the Town Council, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. Duties. The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
 - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record.
 - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
 - D. To inspect non-conforming uses, structures, and lots and to keep a filed record of such non-conforming uses and structures, together with the reasons why the Zoning Officer identified them as non-conformities, as a public record and to examine them periodically, with the view of eliminating the non-conforming uses under the existing laws and regulations.
 - E. Upon the request of the Town Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
 - F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.
 - G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Town Council for development located within

the Floodplain Zone, the Zoning Office shall transmit written notice of the approval to the Pennsylvania Department of Community and Economic Development.

- H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Town (the report form shall be provided by the Federal Insurance Administration).
- I. To render a preliminary opinion regarding a proposed land use in accordance with the Act.
- J. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law.

§ 27-1002 Enforcement.

This Ordinance shall be enforced by the Zoning Officer of the Town. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

§ 27-1003 Violations.

- 1. Failure to secure a zoning permit prior to a change in use, change of tenancy, placement, expansion of land and/or a structure, or the erection, construction, removal, reconstruction, and/or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions, which are contrary to the terms of the Ordinance, and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense. If it appears to the Town that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, the Town shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:
 - A. The enforcement notice shall be sent to the owner of record or agent thereof of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;

B. An enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the Town intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-1004 Enforcement Remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Town, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Town as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Town may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Town.

§ 27-1005 Causes of Action.

In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance

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

§ 27-1006 Permits.

1. General Requirements for Zoning Permits:

A. A zoning permit shall be required in the following situations:

- (1) prior to a change in land use or structure;
- (2) change in nonresidential building tenant;
- (3) any business located within the Town of Bloomsburg;
- (4) the erection, construction, improvement or alteration of any structure or portion thereof;
- (5) the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Part VII of this Ordinance; and/or
- (6) the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.

B. No zoning permit shall be required for ordinary repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance. The following is not an ordinary repair: restriping a parking lot, repaving a parking lot or significant repairs to parking lot, removal and/or reconstruction of a structure and/or parking lot, repaving a driveway, and/or anything similar in scale and/or process the items listed herein.

C. Application for zoning permits shall be made in writing to the Zoning Officer.

- D. Such zoning permits shall be granted or refused within ninety (90) days from date of application.
- E. No zoning permit shall be issued except in conformity with:
 - (1) All applicable regulations of this Ordinance.
 - (2) Any conditions imposed upon the site by the Zoning Hearing Board or the Town Council.
 - (3) Any recorded subdivision or land development plan.
- F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- G. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, upon the request of the Zoning Officer, the applicant shall be required to submit written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- H. The Zoning Officer may call upon other Town Staff and/or Town-appointed consultants in the review of submitted materials for applications.
- I. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- J. Where a permit is required by this Ordinance, but the work is commenced or the use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Town Council for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Town resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Town ordinances or from any penalties or enforcement actions authorized by this Ordinance or the Act.

- K. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.
- L. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies, which were the basis for the prior denial of the permit, have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met.
- M. Expiration of Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
- N. Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- O. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.
- P. Display of Zoning Permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.
- Q. Temporary Use Permits. It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will in no way exert a detrimental effect upon the uses of land and

activities normally permitted in the zone. Zoning Hearing Board to authorize the issuance of a temporary use permit for a period not to exceed six (6) months.

2. Application for All Zoning Permits:

A. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:

- (1) Actual dimensions and shape of lot to be developed.
- (2) Exact location and dimensions of any structures to be erected, constructed, and altered.
- (3) Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate.
- (4) Off-street parking and loading spaces.
- (5) Utility systems affected and proposed.
- (6) Alteration or development of any improved or unimproved real estate.
- (7) The size of structures and the number of employees anticipated.
- (8) Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance.
- (9) Copies of any applicable approved subdivision or land development plans.

B. If the proposed development, excavation, or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications, as prepared by a licensed professional:

- (1) The accurate location and elevation of the floodplain and floodway.
- (2) The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
- (3) The elevation, in relation to the NGVD, to which all structures and utilities will be flood proofed or elevated.
- (4) Where flood proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood proofing methods used meet this Ordinance.

3. Application for Zoning Permits for Uses in All Commercial and Industrial Zones:
 - A. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries.
 - B. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features.
 - C. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
 - D. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Columbia County, which have been contracted to dispose of the materials used, and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.
 - E. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.
 - F. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.
 - G. The proposed number of shifts to be worked and the maximum number of employees on each shift.
 - H. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.
4. Certificate of Use and Occupancy:
 - A. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use

- and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein.
- B. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application, as it is required for a zoning permit.
 - C. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a zoning permit is required herein.
 - D. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.
 - E. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
 - F. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes, and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.
 - G. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees until the structure or building abuts either a roadway which has been accepted by the Town for dedication or abuts upon a street which has been paved with a base wearing course.
 - H. In commercial and industrial zones in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

§ 27-1007 Fees.

1. Determination. The Town Council may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Town Council may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Town Council.

A. Enforcement Notice.

- (1) When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent or occupant, or contractor, such violation shall be discontinued immediately.
- (2) The enforcement notice prepared by the Zoning Officer shall state the following and include maps and other supporting documentation as necessary:
 - (a) Name of the owner of record and any other person against whom the Town intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation and a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth herein.
 - (f) A statement that failure to comply with the notice within the time specified in clause (d), unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly defined.
- (3) All appeals from determinations by the Zoning Officer under this section shall be made by the landowner to the Zoning Hearing Board within 30 days after the enforcement notice has been issued.

B. Enforcement Remedies.

- (1) Any person, partnership, entity or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Town, pay a judgment of not more than \$500 plus all court costs, including reasonable

attorneys' fees incurred by the Town as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Town may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership, entity, or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Town of Bloomsburg.

- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Town the right to commence any action for enforcement pursuant to this section.

§ 27-1008 Amendments.

1. Power of Amendment. The Town Council may from time to time, amend, supplement, change, or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Town Planning Commission, the Town Council or by a petition to the Town Council by an interested party.
2. Hearing and Enactment Procedures for Zoning Amendments:
 - A. Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Town Council shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
 - B. Public Notice. Before conducting a public hearing, the Town Council shall provide public notice as follows:
 - (1) Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be

considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (a) A copy of the full text shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
 - (b) An attested copy of the proposed Ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
 - (2) For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.
 - (3) For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
 - (4) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Town Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- C. Enactment Notice. In addition to the public notice requirements defined herein, the Town Council must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within the municipality where copies of the proposed Ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding.
- D. Town Planning Commission Referrals. For amendments proposed by parties other than the Town Planning Commission, the Town Council shall submit each amendment at least thirty (30) days prior to public hearing to the Town Planning Commission for review and comment. The Town Planning Commission shall submit

- a report of its review, together with any recommendations, to the Town Council within forty-five (45) days from the date of said referral. The recommendation of the Town Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of the Town. The Town Council cannot act upon the amendment until it has received a recommendation from the Town Planning Commission; however, should the Town Planning Commission fail to submit its recommendation within forty-five (45) days, the Town Council may proceed without its recommendation.
- E. Columbia County Commissioners' Office of Planning and Development Referrals. All proposed amendments shall be submitted to the Columbia County Commissioners' Office of Planning and Development at least thirty (30) days prior to public hearing on such amendments. The Columbia County Commissioners' Office of Planning and Development may submit recommendations to the Town Council within forty-five (45) days of such referral. The Town Council cannot act upon the amendment until it has received a recommendation from the Columbia County Commissioners' Office of Planning and Development; however, should the Columbia County Commissioners' Office of Planning and Development fail to submit its recommendation within forty-five (45) days, the Town Council may proceed without its recommendation.
 - F. Adjournment of Public Hearing. If during the public hearing process, the Town Council needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place.
 - G. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Columbia County Commissioners' Office of Planning and Development.
- 3. Amendments Initiated by the Town Planning Commission. When an amendment, supplement, change or repeal is initiated by the Town Planning Commission, the proposal shall be presented to the Town Council which shall then proceed in the same manner as with a petition to the Town Council which has already been reviewed by the Town Planning Commission.
 - 4. Amendment Initiated by the Town Council. When an amendment, supplement, change or repeal is initiated by the Town Council, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition.
 - 5. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal

description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Town Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Town Council may require duplicate sets of petition materials. The applicant shall submit the names and addresses of adjoining property owners including properties directly across a public right-of-way.

6. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Town Council (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided as provided in
the Act; as amended. The Town Council shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Town and Columbia County Commissioners' Office of Planning and Development as provided for public notice of the hearing shall be provided as defined herein.
 - A. In reviewing the curative amendment, the Town Council may deny the request, accept the request as submitted, or may adopt an alternative amendment, which will cure the challenged defects. The Town Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map.
 - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.
 - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

- (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- B. The Town Council shall render its decision within forty-five (45) days after the conclusion of the last hearing.
- C. If the Town Council fails to act on the landowner's request within the time limits referred to in paragraph (b), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
- E. The challenge shall be deemed denied when:
 - (1) The Town Council fails to commence the hearing within sixty (60) days.
 - (2) The Town Council notifies the landowner that it will not adopt the curative amendment.
 - (3) The Town Council adopts another curative amendment which is unacceptable to the landowner.
 - (4) The Town Council fails to act on the request forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and municipality.
- F. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Town Council pursuant to this section or a validity challenge is sustained by the Zoning Hearing Board, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the Act shall apply.
- G. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision

or land development Ordinance, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

7. Curative Amendment by the Town Council.

- A. The Town Council, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Town Council shall:
 - (1) By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include one OR more of the following:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity.
 - (b) References to a class of use or uses which require revision.
 - (c) References to the entire Ordinance, which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Town Council shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by the Act in order to cure the declared invalidity of the Ordinance.
- C. Upon the date of the declaration and proposal, the Town Council shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Town Council propose to prepare a curative amendment.

- D. The Town Council, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Town by virtue of a decision by any Court of competent jurisdiction, the Town Council may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.
8. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, shall be duly certified by the Town Secretary, and shall thereafter be refiled as part of the permanent records of the Town.

PART XI DEFINITIONS

§ 27-1101 General Interpretation.

1. **Word Usage.** Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
2. **Language Interpretation.** In this Ordinance, when not inconsistent with the context:
 - A. Words in the present tense also imply the future tense.
 - B. The singular includes the plural.
 - C. The male gender includes the female gender.
 - D. The word “person” includes an individual, incorporator’s association, member(s) of a partnership or the officers of a corporation, as well as any similar entity.
 - E. The term “shall” or “must” means always mandatory.

§ 27-1102 Definitions.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACCESS DRIVE. a vehicular throughway serving a non-residential use or multi-family use located within a parking lot which directly adjoins parking spaces. An access drive provides the vehicular connection between parking space area and the driveway which directly connects to the public right-of-way. The access drive does not include the vehicular path that connects the parking area to the public way.

ADULT DAY-CARE. A facility, not in a private residence, enrolling four or more adults no less than 18 years of age, where tuition, fees, or other forms of compensation for the instruction and care of the adults are charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

AGRICULTURAL MARKETING ENTERPRISE. An accessory use to an agricultural operation for the purpose of directly marketing agricultural products produced by the agricultural operation in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer’s agricultural products.

AGRICULTURAL SUPPORT BUSINESS. A principal use accommodating for agricultural related equipment handling and sales, service, distribution and supply in support of local farming operations. Such a use also includes the commercial processing of agricultural products.

AGRICULTURE OPERATION. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIRPORT. The Bloomsburg Municipal Airport.

AIRPORT ELEVATION. The highest point of an airport's usable landing areas measured in feet from mean sea level.

APPROACH SURFACE. A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 27-401 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL and CONICAL OVERLAY ZONES. An overlay of these zones on the existing zoning districts as shown on the Town of Bloomsburg Zoning Map.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT. For the purpose of determining the height limits for airport zones set forth in this Chapter, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or any type of navigation equipment for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION. Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § 27-401 of this Chapter.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end

of that runway. The width of the primary surface is set forth in § 27-401 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

TRANSITIONAL SURFACES. These surfaces extend outward at 90° angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for every foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TREE. Any object of natural growth.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

ALLEY. A public or private thoroughfare which affords only secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDMENT. A change in regulations or district boundaries or classifications of property established by this Chapter and according to procedures provided by law and exercised by the Town Council.

ANIMAL EQUIVALENT UNIT (AEU). One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit, as defined in 3 Pa. C.S. § 503, as amended.

ANIMAL HOSPITAL. A building used for the treatment, housing or boarding incidental to hospital use of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

ANIMAL KENNEL. Any lot or premises on which 10 or more dogs or cats, or both, at least four months of age are kept, boarded or trained, whether in special buildings or runways or not.

ANY NONRESIDENTIAL LAND USE NOT ASSIGNED OTHERWISE. If a nonresidential land use is not specifically assigned to a zoning district herein, it is categorized as “Any Other Nonresidential Land Use Not Assigned Otherwise,” and shall comply with the applicable regulations specified within this Chapter.

ANY RESIDENTIAL LAND USE NOT ASSIGNED OTHERWISE. If a residential land use is not specifically defined, it is categorized as “Any Other Residential Land Use Not Defined

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Otherwise” in Schedule A and shall comply with the applicable regulations specified within this Chapter.

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

APPLICATION FOR DEVELOPMENT. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ASSISTED LIVING FACILITY. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

ATHLETIC FIELDS. An open area utilized for the playing of intercollegiate or intramural sporting events with limited seating, lighting and concession requirements. Athletic fields are a less intense use than a stadium.

AUTOMOBILE. A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

AUTOMOBILE AND/OR MOBILEHOME SALES. A building or area, other than a street, used for the outdoor or indoor display, sale, or rental of one or more of the following: motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers, construction vehicles or boats in an operable condition, or transportable mobilehomes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobilehome park or a junkyard.

AUTOMOBILE OR GASOLINE SERVICE STATION. A building on a lot, or part thereof, that is used primarily for the retail sale of gasoline, oil, other fuel and which may include facilities used for cleaning or servicing automobiles and other vehicles. However, any such facilities used for cleaning automobiles and other vehicles must be incidental to the primary use. This definition does not include “automobile washing (car wash)” as defined in this Section.

AUTOMOBILE WASHING (CAR WASH). A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for “automobile service stations.”

AUTOMOTIVE REPAIR. The use of a lot for the repair of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire

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sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, automobile repair services, major (See also motor vehicle repair and services establishment, major)

BAKERY. An establishment that produces and sells baked goods in an oven such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.

BANK OR FINANCIAL INSTITUTION. An establishment, such as a bank, savings and loan association, credit union, or investment company, where the principal business is the receipt, disbursement, or exchange of funds and currencies.

BASEMENT. A story partly or totally underground. A basement shall not be considered in determining the required number of stories.

BED AND BREAKFAST. An owner-occupied operation within a single-family detached dwelling in which a minimum of two (2) and a maximum of ten (10) rooms, all without cooking facilities, are rented to guests on a daily basis in which breakfast may be served to the guests by the proprietor of the facility.

BEVERAGE DISTRIBUTION. As defined by Chapter 47, §102 of the Pennsylvania Liquor Code, as amended.

BILLBOARD. A sign, serving as the principal use of a lot, that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BREWERY PUB/TAP ROOM. A portion of an establishment which holds a brewery license as regulated by the Pennsylvania Liquor Control Board, which is open to the public for the sale of brewed and malt beverages for on-site and/or off-site consumption and which also offers food to patrons, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended. Storage Facility- A portion of a warehouse or a separate structure, owned and maintained by a person or entity which holds a license that permits the temporary storage of brewed or malt beverages and which may also include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

BUFFER AREA. An area which may be part of the required yard, intended to lessen the impact of the use of the lot or building upon adjacent lot or building when such use is considered by these regulations to adversely affect the adjoining use.

BUILDING. Any structure on a lot having a roof supported and enclosed by columns and walls and intended for the shelter, housing enclosure or storage of persons, animals or chattels.

BUILDING, ACCESSORY. A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING AREA. The total areas taken on a horizontal plane at the main grade level of the ground surrounding the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING LINE. A line parallel to the front, side or rear lot line so as to provide the required yard.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot in which it is located.

BUILDING SUPPLY ESTABLISHMENT. An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are stored and sold at retail. The sale of items, such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper may also be permitted.

BULK MERCHANDISE. Bulky, durable goods such as household appliances, furniture, automobiles and farm construction equipment, which all require extensive floor area for display.

CAFETERIA. Food is selected by a customer while going through a serving line and taken to a table for consumption.

CAMPGROUND. The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for temporary occupancy. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

CARPORT. An accessory building open on one or more sides which is primarily designed or used for parking automobiles.

CEMETERY. An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.

CENTERLINE, STREET. A line equidistant from and parallel to the existing rights-of-way lines on each side of the street.

CHILD CARE CENTER. Defined by 55 Pa. Code, Chapter 3270, as amended - A child care center is a facility in which seven or more children unrelated to the operator receive child care services. A child day care center must have a certificate of compliance (license) from DHS in order to operate.

CHILD CARE CENTER, ACCESSORY. A Child Care Center, as defined herein, which is accessory to any Institutional or Commercial land use permitted in the same zoning district.

CHILD CARE HOME, FAMILY. Defined by 55 Pa. Code, Chapter 3290, as amended.

CHILD CARE HOME, GROUP. Defined by 55 Pa. Code, Chapter 3280, as amended.

CLINIC, MEDICAL. A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours.

CLUBS AND LODGES. A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.

COMMERCIAL 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, omnidirectional 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 or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

COMMERCIAL COMMUNICATIONS ANTENNAS AND TOWERS. See definitions for "Commercial Communications Antenna" and "Commercial Communications Tower."

COMMERCIAL COMMUNICATIONS TOWER. A structure, other than a building, such as a monopole, self-supporting or guyed tower, designed to support commercial communications antennas.

COMMERCIAL RECREATION FACILITY, INDOOR. A type of Commercial Recreation Facility that: a) does not meet the definition of an Outdoor Commercial Recreation Facility, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting cages, and similar uses. This term shall not include any use defined herein.

COMMERCIAL RECREATION FACILITY, OUTDOOR. A establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of outdoor recreational, amusement, and leisure activities, such as, but not limited to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, outdoor riflery or archery, outdoor batting cages, playing fields, outdoor swimming pools, beaches, and bumper car tracks, but not to include "golf courses."

COMMISSION, PLANNING. The Planning Commission of the Town of Bloomsburg, Columbia County, Pennsylvania.

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

COMMUNITY GARDEN. Land managed by a public or not-for profit organization or association and used to grow plants or ornamental crops for household use, sale, or donation.

COMPREHENSIVE PLAN. A Comprehensive Plan consisting of maps, charts and textual matter and indicating the recommendations of the Planning Commission for the continuing development of the Town. The Comprehensive Plan includes, but is not limited to, the following related basic elements:

1. A statement of objectives;
2. A plan for land use;
3. A plan for the movement of people and goods;
4. A plan for community facilities and utilities;
5. A map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO). A Concentrated Animal Operation (CAO) with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4), as amended.

CONCENTRATED ANIMAL OPERATION (CAO). An agricultural operation with eight or more Animal Equivalent Units (AEUs) where the animal density exceeds two AEUs per acre on an annualized basis.

CONDITIONAL USE. a use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code.

CONTINUING-CARE RETIREMENT COMMUNITY (CCRC). Communities which offer multiple levels of care (independent living, assisted living, skilled nursing care) housed in different areas of the same community or campus and which give residents the opportunity to remain in the same community if their needs change. They provide residential services (meals, housekeeping, laundry), social and recreational services, health care services, personal care, and nursing care. This type of community may require payment of a monthly fee and possibly a large lump-sum entrance fee.

CONTRACTOR STORAGE YARD. "Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual

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contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. "

COUNTY. Columbia County, Pennsylvania.

COURT. An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER. A court which does not extend to a street, alley, yard or other outer court.

CONVENIENCE STORE. A retail establishment that sells groceries and related products for the home and person and which sells gasoline or other automotive products, but which is not a "commercial automobile garage" or an "automobile or gasoline service station" or a "grocery store," as defined in this Section.

CONVENTION AND CONFERENCE CENTER. A facility that is constructed for and devoted to accommodating meetings by providing meeting space.

DENSITY. A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DEVELOPER. Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. [See also Subdivision and Land Development, Chapter 22.]

DEVELOPMENT PLAN. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION CENTER. An enclosed facility used for the storage of merchandise or commodities for a short period, not to exceed 30 days, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, repackaging, and labeling. This use may include the use of automated storage and retrieval systems.

DISTRICT or ZONE. A portion of the area of the Town of Bloomsburg, as shown on the Zoning Map, containing a uniform class of uses of structures or land and to which regulations described in this Chapter text apply.

DORMITORY. the use of a zoning lot for occupancy by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, on a weekly basis or longer, and is managed by the institution at which the students are registered.

DRIVE-IN/DRIVE-THRU. An accessory use in which any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.

DRIVEWAY. A vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

DRY-CLEANING ESTABLISHMENT. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DRY-CLEANING PLANT. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

DWELLING. A building, structure, or part thereof, permanently affixed to the ground by a foundation and includes no more than one (1) family. A dwelling does not include a Hotel, Motel or Tourist Court, Group Residential, or any other accommodations used for transient occupancy.

DWELLING ARRANGEMENTS:

APARTMENT, ACCESSORY. An accessory dwelling unit contained within an existing residential use or located above the ground floor of a Mixed-Use Building.

APARTMENT BUILDING(S). More than two (2) dwelling units on one (1) lot, whether within a single principal building or several buildings on the same lot.

DUPLEX. Two (2) dwelling units in one (1) principal building and on one (1) lot, where the dwelling units are either oriented as an “over-under” or a “side-by-side.”

DUPLEX, ATTACHED. Two (2) dwelling units in one (1) principal building on one (1) lot, which is attached by a shared party wall to no more than two (2) additional dwelling units within one (1) principal building on a separate lot.

DWELLING, ACCESSORY. A single dwelling unit, also known as a granny flat, on the same lot with and either attached to or detached from the primary dwelling on the lot, which serves as a separate dwelling unit for one or two family members of the occupant(s) of the primary dwelling.

DWELLING, SINGLE-FAMILY ATTACHED. One (1) dwelling unit in one (1) principal building on one (1) lot, which is attached by a shared party wall to no more than one (1) additional dwelling unit within one (1) principal building on a separate lot.

DWELLING, SINGLE-FAMILY DETACHED. One (1) dwelling unit in one (1) principal building and which accommodates only one (1) family on one (1) lot.

DWELLING, TOWNHOUSE. One (1) dwelling unit in one (1) principal building on one (1) lot, where the following applies:

1. The dwelling unit is situated in the middle of a row of such dwelling units, and shares two (2) party walls, or
2. The dwelling unit shares one (1) party wall and is located at the end of a row of such dwellings.

DWELLING UNIT. The quantity equal to one (1) dwelling. See also "Dwelling."

EMERGENCY VEHICLE FACILITY. A public or privately-owned facility for the dispatch, storage, and maintenance of ambulance and similar emergency service vehicles and related equipment. Includes offices, training facilities and bunking facilities for emergency service vehicle personnel.

ESSENTIAL SERVICES. Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building. (See "Public Utility Facility")

FAÇADE. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FAÇADE, FRONT. Those portions of a façade which face and are most closely parallel to the front lot line.

FAIRGROUNDS. An area of land use including but not limited to agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

FAMILY. An individual, or two (2) or more persons related by blood, marriage, adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than twelve (12) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

1. It provides non-routine support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental capacity, or other handicap or disability, as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act.
2. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life.
3. It does not involve the housing of persons on a transient basis.
4. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.
5. Family shall not include persons living together in a group-care facility, personal-care boarding home, or nursing home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

FARM. Any parcel (or parcels under single ownership) of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purposes of this chapter, a farm shall not include the raising of fur-bearing animals, riding academies or boarding stables or kennels.

FLOOR AREA, BUILDING. The sum of the gross horizontal areas of several floors of a principal building on the same lot, excluding basement floor areas not devoted to the principal use. All dimensions shall be measured between exterior faces of walls.

FOOTCANDLE. Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, also known as a light meter.

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

FRATERNITY OR SORORITY. A local or national organization of college or university students, organized for the purpose of sharing social, cultural, scholarly, or religious interests, where involvement requires regular meetings and formal written membership requirements.

GAME ROOM OR CENTER. An area specifically utilized for entertainment derived from coin-operated machines such as video games, pinball machines and billiards.

GARAGE, PRIVATE. An accessory structure for storing vehicles or household items by the occupants of the dwelling unit(s) on the lot.

GOLF COURSE OR COUNTRY CLUB. A tract of land and associated private recreation facilities for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges.

GRADE, FINISHED. The completed surfaces of the lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GROUND FLOOR. The first floor of a building other than a cellar or basement.

GROUP CARE FACILITY. Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following:

1. Persons who do not meet the definition of “mentally or physically handicapped” provided in the Fair Housing Amendments Act or the Americans with Disabilities Act.
2. Persons who do meet the definition of “mentally or physically handicapped” provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household.
3. Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or a similar agency or institution.

GROUP HOME. The use of any lawful dwelling unit which meets all of the following criteria:

1. A maximum number of 8 persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other “handicap”* as defined by applicable Federal law.
4. Does not meet the definition of a Halfway House for Persons on Parole or Probation and/or any Substance Abuse Treatment Facility defined herein.
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: Unless otherwise adopted, the Federal Fair Housing Act defined “Handicap” as follows: “1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21.”

GROUP RESIDENTIAL. A living arrangement including groups of people not defined as a family, on a weekly or longer basis that occupy use(s) that include dormitories, fraternity or sorority houses, residence halls, and convents/monasteries.

CONVENT/MONASTERY. A place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work in adjacent institutions.

DORMITORY. the use of a zoning lot for occupancy by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, on a weekly basis or longer, and is managed by the institution at which the students are registered.

FRATERNITY OR SORORITY HOUSE. A building used as group living quarters for students at a college, university, or seminary, who are members of a fraternity officially recognized by the college, university, or seminary.

RESIDENCE HALL. A residential facility for a group of students enrolled in a university having full- or part-time supervisory staff providing care, education, and participation in community activities, which shall be owned and operated by a university or college recognized and licensed by the Pennsylvania Department of Education.

GYMNASIUM. A building used for athletic instruction, games and major events, including tiers of seats for spectators.

HALFWAY HOUSE FOR PERSONS ON PAROLE OR PROBATION. A facility, representing transitional housing, to provide residence to a person who would otherwise be incarcerated in a prison. For the purpose of this chapter, a convicted person shall include a person who has been released from a prison on parole or a person granted probation by a court of jurisdiction.

HEALTH/FITNESS CLUB. An establishment where the principal enterprise conducted involves the provision of indoor wellness activities such as fitness training, saunas, athletic courts, and indoor swimming pools.

HELIPORT. An area used for take-off and landing for helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Chapter is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

HEIGHT, BUILDING. The vertical distance measured from the main level of the ground surrounding the building to the highest point of the roof.

HOME AND GARDEN CENTER. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

HOME-BASED BUSINESS, NO-IMPACT. 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.

HOME IMPROVEMENT/BUILDING SUPPLY. A facility engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOME OCCUPATION. An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas there shall be a maximum of two said accessory uses within any one dwelling unit.

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS). A HUD-approved database application used to confidentially aggregate data on homeless population served in the United States, which is typically a software application that homeless assistance providers use to coordinate care, manage their operations, and better serve their clients.

HOMELESS PERSON. An individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.

HOMELESS SHELTER. A building, or portion thereof, providing, without charge or any form of compensation, emergency housing with sleeping accommodation, and may include kitchen facilities, dining facilities, laundry facilities, bathing facilities and restroom facilities, for homeless persons and/or homeless families that is intended for occupancy of 90 days or less in a given year as transitional housing by a homeless person and/or homeless family.

HOSPITAL. A place for diagnosis, treatment or other care of humans on an around the clock basis, having facilities used primarily for inpatient medical and surgical care and for the treatment of sick and disabled persons.

HOSPITAL DORMITORIES. A building that is owned and/or operated by a hospital whose primary purpose is to provide living accommodations for individuals associated with the hospital.

HOSPITAL, INCIDENTAL USE. Any uses or buildings customarily incidental to or within a hospital, inclusive of eating establishments, hospital dormitories, minor banking and ATM services, and service establishments. Also including educational and conference facilities for in-house health care training. Also including parking lots and parking garages affiliated with hospital.

HOSPITAL, PARKING LOTS/GARAGES. Automobile parking lots and parking garages affiliated with hospital.

HOTEL. A building used for overnight accommodation by transient guests for compensation, and which may provide such services as maid, telephone and postal services. (See also “Motel, Motor, or Tourist Court.”)

HOUSE GUEST. A temporary occupant of a short-term rental living quarter and/or meeting room(s) within a dwelling unit.

ILLUMINATION. A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

ILLUMINATION, EXTERNAL. Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

ILLUMINATION, INTERNAL. A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

IMPERVIOUS SURFACE COVERAGE. Ground area covered by any material which does not allow the absorption of rainwater into the soil.

INSTRUCTIONAL FACILITIES. Any building or part thereof which is designed, constructed or used for education in any branch of knowledge.

JUNK. Any discarded, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicles, aircraft, glass, industrial waste, machinery, equipment, containers, structures and other used building materials. Junk shall not include organic solid waste, grass clippings, leaves, tree limbs or household items intended to be recycled. Outdoor storage and outdoor processing of junk shall only be permitted within an approved junkyard or solid waste disposal area. Junk shall not include solid waste customarily stored in a completely enclosed and sanitary container that is routinely awaiting collection.

JUNKYARD. Any lot land or structure, or part thereof, used for the collection, storage and/or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling,

storage and salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof.

LAND DEVELOPMENT. Any of the following activities:

1. As in accordance with the Municipalities Planning Code and the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. The improvement of land for the installation of parking lots, airport runways, accessory buildings, building additions, and any other structure having an impervious surface coverage area in excess of two-thousand square feet (2,000 sf). (Note: Proposed gravel areas shall be considered as impervious for this definition.)
4. Any project which has the potential to increase the quantity of stormwater runoff from the property and/or may adversely affect existing downstream drainage conveyance facilities.
5. Any project which has the potential to adversely affect the quality of stormwater runoff from the property and/or involves more than five-thousand square feet (5,000 sf) of earth disturbance.

LANDOWNER. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than 40 years or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LAUNDRY AND/OR DRY-CLEANING PLANT. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

LIBRARY. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIVE-WORK UNIT. A type of mixed-use land use where the owner and operator of a business other than a Home-Based Business or Home Occupation resides within the same building as the nonresidential use.

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

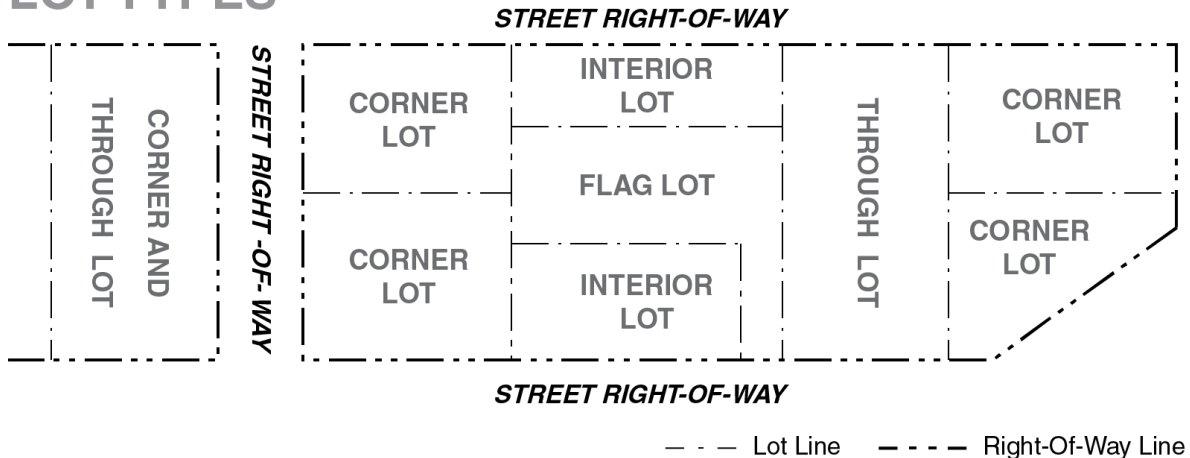
LOT, CORNER. A lot which has an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees. The lot line most closely parallel to the front door of the principal structure shall be considered the Front Lot Line.

LOT, FLAG. A lot that does not meet the required lot width measured in accordance with this Ordinance. See definition for "Lot Width" and "Lot Frontage."

LOT, INTERIOR. A lot other than a corner lot or a through lot.

LOT, THROUGH or REVERSE FRONTAGE. A lot that abuts two (2) approximately parallel streets.

LOT TYPES



LOT AREA. The total area within the lot lines.

LOT COVERAGE. The percentage of the lot area covered by the area of all buildings thereon as viewed from the site plan and/or roof line and shall include all appurtenances, such as decks, balconies, stairs, stoops, etc.

LOT FRONTAGE (Frontage). A lot's front lot line immediately adjacent to the street right-of-way.

LOT LINES. The lines bounding a lot as defined under the definition of "lot."

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LOT LINE, FRONT.

LOT LINE, SIDE.

LOT LINE, REAR.

LOT WIDTH. The total distance measured along a lot's frontage. See definition for "Lot Frontage (Frontage)."

LOT OF RECORD. Any lot which individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Columbia County, Pennsylvania.

MAILED NOTICE. Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURING, HEAVY. Establishment engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins, liquors, other basic industrial processes, and any facility involving process resulting in the storage of hazardous materials or the generation of hazardous waste products, or the environmentally regulated process.

MANUFACTURING, LIGHT. Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

MASSAGE. The manipulation techniques of soft tissues in the body commonly applied with hands, fingers, elbows, knees, forearms, feet, or a device generally for the treatment of body stress or pain.

MASSAGE THERAPY. A type of treatment in which manipulates the soft tissues of your body; muscle, connective tissue, tendons, ligaments and skin, using varying degrees of pressure and movement.

MEDICAL OFFICE. An office of licensed physicians, dentists and other health practitioners.

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

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MIXED-USE BUILDING. A building containing separate uses located above the ground floor of an institutional, civic, office, commercial, or retail use.

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

MOBILEHOME LOT. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MORTUARY. An establishment providing services such as preparing the human dead for burial and arranging and managing funerals and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

MOTEL, MOTOR OR TOURIST COURT. One or more buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, each of which has a separate outside entrance. This use shall not include a Hotel, Short-Term Rental, or any other use specifically defined herein.

MUNICIPAL USE, NON-UTILITY. Any buildings or facilities owned and/or operated by the municipality, which do not meet the definition of "Public Utility Facility" or "Essential Services."

MUNICIPALITY. The Town of Bloomsburg, Columbia County, Pennsylvania.

MUSEUM. A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NATURAL RESOURCE PRODUCTION. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Natural Resource Production includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.

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NATURAL RESOURCES. Material sources of wealth that occur in a natural state, including forests, minerals, including petroleum, gas, sand, gravel, clay, topsoil, shale, limestone, etc., and water.

NITS. A unit of measure of the luminance or brightness of the light emitted or reflected from a surface.

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

NONCONFORMING STRUCTURE. A structure or a part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Nonconforming signs are not nonconforming structures. For the purposes of the airport zoning provisions of this chapter a nonconforming structure shall include an object of natural growth, such as a tree.

NONCONFORMING USE. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendments hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment.

NURSING HOME. A long-term health care facility, licensed by the Pennsylvania Department of Health, that offers twenty-four-hour room and board and health care services, including basic and skilled nursing care.

OCCUPANCY. The residence in a building or other shelter.

OFFICE, BUSINESS AND PROFESSIONAL. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICE, MEDICAL OR DENTAL. Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices or physicians, dentists and other health care practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

OPEN SPACE. The unoccupied space open to the sky and unoccupied by any building or structure.

OUTPATIENT MEDICAL TESTING LABORATORY. A freestanding facility, program, or provider, including but not limited to physicians' offices, clinical laboratories, radiology centers, and mobile diagnostic programs.

OVERLAY ZONE. A zoning district that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zone.

PARKING AREA, ACCESSORY OFF-STREET. A land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

PARKING LOT. An off-street, surfaced, ground level open area, for the temporary storage of motor vehicles.

PARKING SPACE. The space within a building or on a lot or parking lot designed for the parking of one vehicle.

PARKING SPACE, HANDICAP. A space in a garage or parking area not less than 13 feet wide and 19 feet long clear dimension, reserved exclusively for an automobile registered with the state with handicapped license plates or displaying an official state-issued handicapped placard.

PARKING STRUCTURE. A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either opened or enclosed.

PARKING SURFACE, IMPROVED. A hardened, paved or graveled land area used for the parking of automobiles and in accordance with the construction standards of the Town of Bloomsburg Subdivision and Land Development Ordinance.

PARKS AND RECREATIONAL FACILITIES. Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Town, County, school district, state, or federal government.

PAROLE. A judicial decision which allows a person convicted of crimes to serve the remainder of his/her sentence outside the confines of the prison subject to preset conditions by the court.

PERSONAL CARE BOARDING HOME. A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. This land use is also referred to as an assisted living facility. This use shall not meet the definition of Treatment Center.

PERSONAL SERVICE ESTABLISHMENT. An establishment providing services to individuals for the care of a person or his or her personal goods or apparel. “Personal service” shall not include establishments or facilities providing any medical services, to include substance abuse treatment, halfway houses or shelters for parole, probation or related use.

PET SHOPS. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

PHARMACY. An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

PHOTOVOLTAIC SOLAR SYSTEM, ACCESSORY. A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to: solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

PHOTOVOLTAIC SOLAR SYSTEM, PRINCIPAL. An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Commercial solar energy systems consist of one or more freestanding ground- or roof-mounted, solar collector devices, solar-related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

PLACE OF ASSEMBLY. A land use where people congregate for religious or cultural activities, entertainment, or meetings.

PLACE OF WORSHIP. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

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 a municipal zoning ordinance.

PREMISES. Any lot, parcel or tract of land and any building constructed thereon.

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PRIVATE. Something owned, operated and supported by private individuals or a corporation, rather than by government.

PRIVATE, PUBLIC AND SEMIPUBLIC TRANSPORTATION TERMINALS. A building for on- and off-loading passengers on private passenger modes of travel.

PRIVATE ROAD. A right-of-way, other than a public street, which provides vehicular access to two or more lots.

PROBATION. A judicial decision which allows a person convicted of crimes to remain outside the confines of a prison without a predetermined sentence or with a temporarily suspended sentence for an established period of time subject to preset conditions by the court.

PROFESSIONAL MASSAGE ESTABLISHMENT. A business which provides the services of massage and massage therapy, including exercises, and all forms and methods of physiotherapy, administered by a state licensed medical practitioner including a physician, occupational or physical therapist, chiropractor, osteopath or a professional massage therapist licensed by the Commonwealth State Board of Massage Therapy.

PUBLIC. Owned, operated or controlled by a government agency (federal, state, or local), including a corporation created by law for the performance of certain specialized governmental functions.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING. A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE. Except for notices of hearings of the Zoning Hearing Board, which shall be established by rules of the Board, public notice shall mean notice published once each week for two successive weeks in a newspaper of general circulation in the Town. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 14 days from the date of the hearing.

PUBLIC TRANSPORTATION TERMINALS. A building for on- and off-loading passengers on public passenger modes of travel.

PUBLIC UTILITY FACILITY. A structure, building or appurtenant facility for the purpose of operating and maintaining public utilities. Public Utility Facilities include Electric substations, water towers/tanks/reservoirs, water pumping stations and/or treatment, sewage disposal pumping plants and/or treatment and power generation facilities, as well as facilities that support the emergency and/or supplemental distribution of public utilities.

RECREATION TRAILS AND INCIDENTAL FACILITIES. A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

RECYCLING CENTER. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a municipal-owned use or an emergency services station.

RENTAL HOUSING EXCHANGE AGENCY. A web- or non-web-based application or similar platform, including real estate agent(s), that mediates the short-term rental of living quarters and/or meeting rooms within a dwelling unit for a set or negotiated price.

RESIDENTIAL BUILDING. A building containing at least one (1) dwelling unit or living quarter.

RESTAURANT. An establishment where food and drink are prepared, served and consumed primarily within the principal building.

RESTAURANT, CAFÉ. An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

RESTAURANT, CARRYOUT. “An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a “standard restaurant.”

Restaurant, standard:

(1) An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customer’s order their food from waiter while seated inside a building and then the food is consumed at the table.

(2) A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a “tavern” must be met.”

RETAIL ESTABLISHMENT. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

RIDING ACADEMY. An establishment where horses are kept for riding or driving or are stabled for compensation or incidental to the operation of any club, association, ranch or similar establishment.

SCHOOL, POST-SECONDARY. An accredited or licensed educational institution recognized by the Pennsylvania Department of Education, having regular sessions with employed instructors, and providing general education above the level of the secondary school.

SCHOOL, PRE-KINDERGARTEN. A building designed and operated to provide regular instruction and daytime care for two or more children under primary grades.

SCHOOL, PRIMARY AND SECONDARY. A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.

SCHOOL, SECONDARY TRADE. A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

SELF-STORAGE. A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

SEMI-PUBLIC. Something owned, operated and supported by private individuals or a corporation, on a nonprofit basis, for the use or benefit of the general public or for some part of the general public.

SEXUALLY ORIENTED USES. Sexually oriented retail establishments, sexually oriented entertainment, sexually oriented motion picture theater, sexually oriented arcade.

SEXUALLY ORIENTED ARCADE. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by are used to show films, motion pictures, videos, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

SEXUALLY ORIENTED ENTERTAINMENT. A nightclub, bar, tavern, restaurant, club or similar establishment that features performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videos, slides, or other photographic reproductions in which is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

SEXUALLY ORIENTED MOTION PICTURE THEATER. An establishment where, for any form of consideration, films, motion pictures, videos, slides, or similar photographic reproductions are shown, and in which 10% or more of the total presentation

time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SEXUALLY ORIENTED RETAIL ESTABLISHMENT. An establishment that has 10% or more of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following sexually oriented: toys, novelties, books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videos, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

SHOPPING CENTER. A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SHORT-TERM RENTAL. The act of offering temporary living quarters and/or meeting rooms within a dwelling unit by the owner or lessee for a negotiated price to a house guest with or without the mediating use of a rental housing exchange agency.

SIGHT TRIANGLE, CLEAR. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

SIGN. Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

SIGN TYPES:

BANNER. A sign made of any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners and that is temporary in nature.

BILLBOARD. A type of off-premises sign.

DIGITAL DISPLAY. The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

FLAG. Signs printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, text or symbols, and attached to a pole or staff anchored along only one edge or supported or anchored at only two corners.

FLAG, COMMERCIAL. Any flag other than a personal expression sign which directs attention to a specific business, product, service, event or activity, or other commercial activity.

MURAL. A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

SIGN, A-FRAME. A sign that typically consists of two faces connected and hinged at the top and have a message targeted to pedestrians.

SIGN, ADDRESS. A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

SIGN, AWNING. Signs that are painted on, or affixed to, an awning structure. See definition for “Structure, Awning.”

SIGN, CANOPY. Signs that are part of, or attached to, a canopy structure. See definition for “Structure, Canopy.”

SIGN, DIRECTIONAL. Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

SIGN, FREESTANDING. See Ground Sign, Pylon Sign or Directional Sign.

SIGN, GROUND. A freestanding sign permanently affixed to the ground and supported entirely by a base structure.

SIGN, ILLUMINATED. A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

SIGN, INCIDENTAL. A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

SIGN, LANDMARK. A sign and sign structure attached to a building. This type of sign is designed to add interest and ingenuity and must be three-dimensional in construction. It is permitted with or without wording and used for the purposes of identifying a unique feature or distinct element of business operations.

SIGN, LIMITED DURATION. A type of sign that can be displayed on private property for up to one (1) year but is not intended to be displayed for an indefinite period. Limited duration signs require a sign permit, which shall be renewed annually.

SIGN, MANUAL CHANGEABLE COPY. A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

SIGN, MARQUEE. Signs attached to a marquee structure. See definition for a “Structure, Marquee.”

SIGN, MESSAGE CENTER. A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

SIGN, OFF-PREMISES. An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a noncommercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located.

SIGN, PERSONAL EXPRESSION. An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

SIGN, PYLON. A freestanding sign permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground.

SIGN, PRIVATE DRIVE. A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

SIGN, PROJECTING. Signs mounted to a building with two sign faces that are generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

SIGN, PUBLIC. A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

SIGN, ROOF. Building-mounted signs erected upon, against, or over the roof of a building.

SIGN, SECURITY. An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign.

SIGN, TEMPORARY. A type of non-permanent sign that can be displayed on private property for not more than sixty (60) consecutive days, up to two (2) times per calendar year. Temporary signs do not require a permit.

SIGN, VEHICULAR. A sign affixed to a parked vehicle used primarily or solely for advertisement.

SIGN, WALL. Signs mounted to a building that are attached to or painted on an exterior wall so that the sign faces are generally parallel to the building wall. A sign installed on a false or mansard roof is also considered a wall sign.

SIGN, WINDOW. Signs applied, painted, or affixed to a window. Signs that are placed inside a window, within three feet of the glass, facing outside the building, and are easily

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seen from the outside are considered window signs as well. Customary displays of merchandise behind a store window are not considered window signs.

SPECIAL EXCEPTION. a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

SPECIFIED ANATOMICAL AREAS. As used herein, specified anatomical areas means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or breasts.

SPECIFIED SEXUAL ACTIVITIES. As used herein, specified sexual activities means and includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth as a "sexually oriented use."

STADIUM. A large open or enclosed place used for major events and partly or completely surrounded by tiers of seats for spectators with special lighting and secondary concession uses.

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

STREET. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE. The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there be no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE. The dividing line between the street right-of-way and the lot.

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

STRUCTURE, AWNING. An awning is a nonstructural covering projecting from a wall, usually for the purpose of shielding a doorway or window.

STRUCTURE, CANOPY. A canopy is a structure that is affixed to a building and carried by a frame that is supported by columns or posts affixed to the ground.

STRUCTURE, MARQUEE. A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

STRUCTURE, PRINCIPAL. A structure located on a lot which houses the primary use of the property. All other structures, such as garages, sheds, accessory apartments, and the like, shall be accessory to the principal structure.

STUDENT. A person who is registered to be enrolled or who is enrolled and matriculating at Bloomsburg University as an undergraduate student or who is on a semester or summer break from studies at a college or university.

STUDENT HOUSING. A building which contains a dwelling unit occupied by two or more students who are not related to each other by adoption or marriage or are not the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew, or great niece of each other.

STUDENT HOUSING, UNIVERSITY. See “Group Residential.”

STUDIO, COMMERCIAL. A commercial establishment not accredited by the Pennsylvania Department of Education and/or not defined as a “Secondary Trade School,” where arts such as dance, martial arts, music and visual arts are taught, studied or produced, or where movies, radio, television or music recording is produced.

SUBDIVIDER. See "developer."

SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See also Subdivision and Land Development, Chapter 22.)

SUBSTANCE ABUSE TREATMENT. Shall refer to a process approved and regulated by the Pennsylvania Department of Drug and Alcohol Programs provided at a substance abuse treatment facility with the intended purpose of the cessation of a person's use of addictive substances, such as drugs or alcohol.

SUBSTANCE ABUSE TREATMENT FACILITY. A facility, licensed by the Pennsylvania Department of Drug and Alcohol Programs, which specializes in the evaluation and treatment of drug addiction and alcoholism. The services available at such a facility can be residential treatment, partial hospitalization treatment or outpatient treatment. For the purpose of this chapter, a substance abuse treatment facility shall include the following terms as so defined within this section:

SUBSTANCE ABUSE DETOXIFICATION TREATMENT FACILITY. A facility, licensed by the Pennsylvania Department of Drug and Alcohol Programs, which includes the overnight stay of patients, for the provision of medically supervised detoxification and

treatment of persons who have been medically diagnosed as having a dependency on a controlled substance, including, but not limited to, drugs, and alcohol.

PARTIAL HOSPITALIZATION SUBSTANCE ABUSE TREATMENT FACILITY.

A facility, licensed by the Pennsylvania Department of Drug and Alcohol Programs, to provide persons with a substance abuse disorder who do not require twenty-four-hour inpatient care with a short-term intensive outpatient program for stabilization. No overnight stay of patients shall be permitted at such a facility.

NON-HOSPITAL DRUG-FREE RESIDENTIAL SUBSTANCE ABUSE

TREATMENT FACILITY. A facility, licensed by the Pennsylvania Department of Drug and Alcohol Programs, representing transitional housing, which includes the overnight stay of patients, which may include psychological, social, and behavioral counseling and supportive services designed to assist a person being treated for a substance abuse disorder to allow their gradual reentry into the community. No substance abuse detoxification treatment shall be provided at this facility.

SUPERMARKET. A retail establishment within a building greater than 25,000 square feet of gross floor area, that offers a wide variety of merchandise categories, including, but not limited to: automotive, apparel, garden center, cards and gifts, crafts, groceries, drugs and sundries, jewelry, hardware, household décor, pet supplies, appliances, sporting goods, and similar products.

TAVERN. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may occur.

THEATER, INDOOR MOVIE. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR DRIVE-IN. An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

TOWING/IMPOUNDMENT. Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

TOWN ENGINEER. A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Town of Bloomsburg.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT. An area of land typically developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to

each other. Traditional neighborhood development is relatively compact and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out with an interconnected network of streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRUCK TERMINAL. A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

UNIVERSITY RESEARCH FACILITIES. A facility located on the university campus designed to enhance the academic program of the university with low intensity, applied research activity.

UNIVERSITY USE, INCIDENTAL. Any facilities incidental to a university, which may include administrative buildings, instructional facilities, bookstore facilities, food service facilities, recreation, and health and counseling facilities. An Incidental University Use does not include Group Residential.

USE. The specific purpose, for which land or a structure or building is designed, arranged, intended or for which it is or may be occupied or maintained. The term permitted use, or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE. The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this chapter for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this chapter.

WAREHOUSE. An enclosed structure used for the storage of merchandise or commodities for an extended period of time, typically over thirty (30) days and which does not include cross-docking operations or retail sales.

WELDING, MACHINE AND PRINTING SHOPS. Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

WHOLESALE. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WHOLESALE, AGRICULTURAL. An establishment or place of business primarily engaged in selling and/or distributing agricultural products to retailers; or to other wholesalers; or acting as agents or brokers and buying agricultural products for, or selling agricultural products to, such individuals or companies. This is not considered a general commercial use.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes, but is not limited to, a nacelle, wind rotor, tower, vertical axis and pad transformer.

YARD. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

YARD, FRONT. A yard between the front lot line (which usually is the future street (right-of-way line) and the closest portion of the subject structure or use and that extends the full width of the lot and from side lot line to side lot line.

1. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
2. When a lot abuts onto 2 or more public streets, the Zoning Officer shall determine that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots. See Definition for “Lot, Corner.”
3. No accessory or principal building shall extend into the required front yard.

YARD, REAR. A yard extending the full-width of the lot and situated between the rear line and the closest portion of the subject building and stretching between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building and an accessory structure shall not extend into the required rear yard for an accessory structure.

YARD SIDE. A yard situated between the closest portion of the subject building and the entire length of the side lot line and extending from the front lot line to the rear lot line. Any lot line that is not determined by the Zoning Officer to be a rear line or a front line shall be deemed a side yard line. A building shall not extend into the specified required side yard.

ZONING. The designation of specified districts or zones within the Town, reserving them for certain classes of uses together with limitations on lot area and size, heights of structures and other stipulated requirements.

ZONING DISTRICT, BASE. The designated area for a zoning district as authorized by the Pennsylvania Municipalities Planning Code, as amended.

ZONING PERMIT. The written authorization issued by the Zoning Officer for the use of land or buildings or other structures.

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ZONING HEARING BOARD or BOARD. The Zoning Hearing Board of the Town of Bloomsburg, Columbia County, Pennsylvania.

ZONING MAP. The officially adopted Zoning Map of the Town of Bloomsburg, Columbia County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

ZONING OFFICER. The Zoning Officer or his authorized representative appointed by the Town Council to enforce this chapter.

ZONING ORDINANCE. The Town of Bloomsburg Zoning Ordinance, as amended.