

## ARTICLE X

### EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be complied with in all respects except that under the specific conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article VI.

#### 10.1 Front Yard Modifications In Residential Districts

Where fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VIII, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard as specified in Article VIII; the required front yard shall be the average depth of front yards of the developed lots. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no less than the average front yard of the two adjoining lots.

#### 10.2 Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

#### 10.3 Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas, and similar structures and necessary mechanical appurtenances may be erected to any height in accordance with any other Ordinances of the Town of Taylortown.

## Exceptions and Modifications

### 10.4 Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, as measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that due to the topography of the lot such a wall is necessary.

### 10.5 Zero Lot Lines

Where individual dwelling or commercial units are to be sold in a duplex or multi-family building and it is desired to deed the land under the dwelling unit to the purchaser, such as in the case of town houses or patio homes, zero lot line lots may be used; that is, no minimum lot size or yard requirements, provided that the total area of the development meets the minimum lot size in its district, that the developed area (not including streets) does not exceed the required maximum density (one (1) dwelling unit per minimum lot size given in Article VIII), that the development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around each building, and around the entire perimeter of the development. Such a planned development is a subdivision and must be approved as such through the requirements of any subdivision regulations in effect as well as meeting the requirements of the zoning ordinance.

ARTICLE XI

NONCONFORMING USES

Upon the effective date of this Ordinance, and any amendment thereto, pre-existing structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this Ordinance for the district in which they are located, or which be prohibited as new development in the district in which they are located shall be considered as nonconforming. It is the intent of this Ordinance to permit these nonconforming uses to continue until they are removed, discontinued, or destroyed, but not to encourage such continued use, and to prohibit the expansion of any nonconformance.

11.1 Substandard Lots of Record and Structures

Any lot of record or structure existing at the time of the adoption of this Ordinance, which has dimensions which do not meet the require of this Ordinance, shall be subject to the following exceptions and modifications:

A. Adjoining Lots

When two or more adjoining lots with continuous frontage, where no more than one is developed, are in one ownership at any time after the adoption of this ordinance and such lots are individually less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.

B. Lot Not Meeting Minimum Lot Size Requirements

Except as set forth in the above, in any district in which sing family dwellings are permitted, any lot of record existing at t time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single family dwelling providing the lot area and width are not less than eighty (80) percent of the requirements in the district. If the lot is smaller or narrower a varianc be requested of the Board of Adjustment, but in no case shall the Board reduce the requirements by more than forty (40) percent.

C. Enlargement of Nonconforming Structures

Any building which is nonconforming solely because of its encroachment in a required yard area may be extended in any lawful manner that does not further encroach in that yard.

11.2 Nonconforming Uses of Buildings

A. Lo of Nonconforming Status

The nonconforming use of a building may be extended throughout the

## Nonconforming Uses

building provided no structural alterations (except those required by law or Ordinance or ordered by an authorized officer to secure the safety of the building) are made therein but no such use shall be extended to occupy any land outside the building.

If the nonconforming use of such building is discontinued for a continuous period exceeding one hundred twenty (120) days, every future use of such premises shall be in conformity with the provisions of this Ordinance; provided, that this provision shall not apply to any nonconforming commercial or industrial use which normally operates less than ninety (90) calendar days in any given calendar year. The nonconforming use which normally operates less than ninety (90) calendar days in any given year (i.e., seasonal operation) shall not be continued after one season has passed without operation.

### B. Restoration After Destruction

This provision shall not prevent the restoration of a nonconforming building, or a building used for a nonconforming use, which has been destroyed to the extent of not more than fifty (50) percent of its replacement value, but only if the owner has applied for a building permit for reconstruction within six (6) months of the date of its destruction.

If a dwelling, which is nonconforming, is destroyed through no willful act of the owner, it may be rebuilt, meeting all required setbacks, but only if the owner has applied for a Building Permit for reconstruction within one hundred twenty (120) days from the date of its destruction.

### 11.3 Nonconforming Uses of Land

The nonconforming use of land shall not be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If any nonconforming use of land, other than for location of a manufactured home or manufactured office, is discontinued for a continuous period exceeding one hundred twenty (120) days, any future use of said land shall be in conformity with the provisions of this Ordinance.

If the nonconforming use of land for location of a manufactured home or manufactured office is discontinued, either by destruction of the manufactured home or office, or by removal thereof, any further use of said land shall be in conformity with the provisions of this Ordinance. However, if the manufactured home is used as a residence and is destroyed through no willful act of the owner, it may be replaced, meeting all required setbacks, but only if the owner has applied for a Certificate of Occupancy within one hundred twenty (120) days from the date of its destruction.

If the nonconforming use of land is for location of a manufactured home, such home may be replaced by a newer model (upgrade) at any time so long as the new home is placed on the lot no more than seven (7) days after the removal of the old home.

## ARTICLE XII SPECIAL USES

### 12.1 Purpose

The development and execution of this Ordinance is based on the division of the Town of Taylortown into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Special Use Permit as hereinafter provided.

### 12.2 Application and Fees

Applications for Special Use Permits, signed by the applicant, shall be addressed to the Zoning Administrator. A fee for such application shall be paid at the time of application.

Each application shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the proposed use and existing conditions; and

#### A. Structures

Location of all structures within fifty (50) feet of the property; location and depth, if known, of any existing utility lines in the property or along any adjacent street.

#### B. Other Requirements

- 1) Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines;
- 2) Detailed construction plans shall be submitted prior to issuance of a building permit;
- 3) Where public water or sewer is not available, written approval of proposed water supply and/or sewage disposal facilities by County Health Officer; and
- 4) The applicant shall provide to the Zoning Administrator a list of names and addresses of all adjacent property owners. The Zoning Administrator shall then mail a copy of the legal notice to each adjacent property owner.

### 12.3 Procedures for Reviewing Applications

The Special uses, as specified in the various districts, may be established only after review and approval of the Board of Commissioners, after a public hearing.

The Board of Commissioners shall call a public hearing for the next available regular meeting date, allowing time for advertising according to law. Notice may

also be made by posting the property involved for a period of one (1) week prior to the hearing. The public hearing shall be quasi-judicial in nature.

The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit the Board, with due regard to the nature and state of all adjacent structures and uses in the district within which same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the Special uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will be in harmony with the character of surrounding or adjoining properties;
- C. The requested use will not adversely affect the safety, health, or welfare of the community or of immediate neighbors of the property;
- D. The requested use will be in conformity with a land use plan and any other officially adopted plans or, in the alternative, a finding that applicable officially adopted plans are amended;
- E. Adequate utilities, access roads, drainage, sanitation, or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and
- G. That the Special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- H. Conditions.  
The Board may impose reasonable conditions on the approval of a Special Use Permit (see Section 12.4(e)).

#### 12.4 General Provisions Concerning Special Use Permits

##### A. Compliance with Other Codes

Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other Ordinances.

##### B. Revocation

In any case where the conditions of a Special Use Permit have not been or are not being complied with, the permit may be revoked as described in Section 3.7.

##### C. Expiration

In a case where a Special Use Permit has not been exercised within the time limit set by the Board of Commissioners or within six (6) months if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

##### D. Duration of Special Use

Any conditions imposed on a Special Use Permit shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after a public hearing.

E. Conditions and Guarantees

Prior to the granting of any Special Use Permit, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Special use as it deems necessary for the protection of the public and to secure compliance with the intent, standards, and requirements specified in this Ordinance. In all cases in which Special Use Permits are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that the conditions stipulated in connection therewith are being and will be complied with.

- 1) Such conditions may include a time limitation or expiration date.
- 2) Prerequisite conditions may be imposed which must be met before the requested use can be initiated, such as buffers, easements, landscaping, driveways, fencing, and the like.
- 3) Conditions of a continuing nature may be imposed, such as hours of operation or noise levels.

ARTICLE XIII

VEHICLE PARKING AND STORAGE

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Article. Such parking space may be provided in a parking garage or properly graded open space.

13.1 Certification of Minimum Parking Requirements

Each application for a Certificate of Zoning Compliance or a Certificate of Occupancy shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Section are met.

13.2 Combination of Required Parking Space

The required parking spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one use may not be assigned to another use except (1) one-half of the parking spaces required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays and (2) the minimum requirements may reduce to 75% of the sum of the requirements for the various uses computed separately when the individual requirements total 50 or more spaces.

13.3 Requirements for Parking Lots

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude temporary exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line, or any lot zoned for residential uses shall be preserved as open space, guarded with wheel bumpers, and planted in grass or groundcover and/or shrubs or trees.
- D. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.



- E. [REDACTED] parking areas [REDACTED] dri- and acces [REDACTED] shall be surfaced with an all-weather surface material.
- F. Where parking or loading areas are provided adjacent to a public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning [REDACTED] finds that a [REDACTED] is necessary to accommodate [REDACTED] customarily using the driveway
- G. Where two or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater
- H. [REDACTED] driveway shall be [REDACTED] closer than [REDACTED] feet to a street intersection.
- I. Any lighting of parking areas shall be shielded so as to cast no light directly upon adjacent properties and streets.

13.5.2. Manufactured Home Parks and Trailer Parking and Storage

It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured home or trailer within any zoning district except as follows:

- A. At a safe, lawful, and unobstructed location on a street, alley, highway, or other public place, provided that the trailer or manufactured home shall not be parked [REDACTED].
- B. Within a manufactured home park
- C. On any other lot or plot provided that:
  - (1) A Temporary Certificate of Zoning Compliance for any manufactured home to be parked or stored for [REDACTED] seven (7) days [REDACTED] obtained from the [REDACTED].
  - (2) A manufactured home shall not be parked and used other than in an approved manufactured home park or in an area zoned as a manufactured home overlay district, or unless obtaining a Temporary Occupancy Permit.
  - (3) Trailers, as defined in Article 2 shall be stored in a garage or carport or in the rear or side [REDACTED].

13.5 Vehicle Storage

- A. Residential Districts

Commercial trucks or vans driven home by employees must be parked in a garage or carport, and never on the street.

B. Commercial Districts

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any commercial, business, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station.

13.6 Minimum Parking Requirements

The number of off-street parking spaces required by this Article shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. For purposes of this Ordinance an off-street parking space shall be no less than one hundred seventy (170) square feet in area plus adequate ingress and egress provided for each off-street parking space.

<u>Land Uses</u>	<u>Required Parking</u>
Air, motor and rail freight terminals	One (1) parking space for each employee, plus one (1) space for each vehicle used in the operation.
Assembly, Places of, including auditoriums, churches, funeral homes, and stadiums	One (1) parking space for each (4) seats in the largest assembly room.
Automobile Service Stations	Five (5) parking spaces for each service bay.
Beauty and Barber Shops	Three (3) parking spaces for each service chair.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor area for affiliated uses such as restaurants, bars, and the like.
Dwellings, including manufactured homes	Two (2) parking spaces per dwelling unit
Home Occupations	Two (2) parking spaces per home occupation in addition to residence requirements.
Industrial Uses	One (1) parking space for each employee on the largest shift plus spaces for vehicles used in the operation. Additional parking spaces shall be provided for visitors equal to five (5) percent of the employee parking spaces when there are forty (40) or more employees.
Kindergartens and Day Care Facilities	One (1) parking space for each five (5) children that attend plus

(1) space for each employee.

Vehicle Parking and Storage

<u>Land Uses</u>	<u>Required Parking</u>
Libraries	One (1) parking space for each four (4) seats provided for patron use
Lodging Facilities, including hotels, motels, rooming houses, tourist homes, and boarding houses	One (1) parking space for each room to be rented, plus one (1) additional parking space for each employee, plus additional parking spaces as may be required for any commercial or business uses
Medical Facilities and Special care Homes, including retirement homes, hospitals, sanitariums, and nursing and convalescent homes	One (1) parking space for each two patients or residents at full capacity plus one (1) parking space for each employee.
Medical Offices and Clinics	Four (4) parking spaces for each doctor plus one (1) parking space for each employee.
Offices	One (1) parking space for each one hundred fifty (150) square feet of gross floor space.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each <b>five</b> (5) seats in the largest assembly room.
Recreational Facilities not otherwise listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two participants at full capacity.
Recreational Facilities not otherwise listed (with facilities for spectators)	Same as for recreational facilities without spectators plus one (1) parking space for every four <b>(4)</b> spectator seats.
Restaurants, Cafeterias, Private Clubs and Lounges	One (1) parking space for each four <b>(4)</b> seats at tables and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each employee.
Retail Uses, Financial Institutions, Civic and Fraternal Clubs, and Community Centers	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Schools, Elementary and Junior High or Middle Schools	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each employee, plus one (1) large space for each

Vehicle Parking and Storage

<u>Land Uses</u>	<u>Required Parking</u>
Schools, Colleges, Technical and Trade	bus. One (1) parking space for every two (2) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each classroom.
Services not otherwise listed	One (1) parking space for each employee plus one (1) parking space for each client at full capacity.
Shopping Centers	Six (6) parking spaces for each 1,000 square feet of gross leasable floor space in the center.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Vehicle, Manufactured Home, and Farm Equipment Sales and Service	Two (2) parking spaces for each employee in sales, plus one (1) space for each additional employee, plus five (5) spaces for each service bay, plus spaces for inventory.
Warehouses and other Storage Services	One (1) parking space for each employee plus one (1) space for each vehicle used in the operation.

NOTE: When a parking requirement is stated in terms of employees, i means the maximum number of employees who will be at the site at one time either on a single shift or an overlap of shifts.

13.7 Off-Street Loading Purpose and General Requirements

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the Town, to relieve traffic congestion in the streets, and to minimize any detrimental effects of off-street loading areas on adjacent properties

Each application for a Certificate of Zoning Compliance or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to the location and dimensions of driveway entrances, access aisles and loading spaces.

- A. The provision for vehicular and pedestrian circulation.
- B. The location of sidewalks and curbs.

Vehicle Parking and Storage

The Certificate of Zoning Compliance or Certificate of Occupancy for the construction or use of any building, structure, or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Article have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

13.8 Minimum Loading Requirements

Off-street loading shall be provided and maintained as specified in the following schedule.

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and fifty-five (55) feet in length as a minimum
- C. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, restaurants, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
For each additional 45,000	1 additional

- D. Uses which do not handle large quantities of goods, including but not limited to office buildings, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
For each additional 180,000	1 additional

E. A loading space requirement may be modified or waived by the Board of Adjustment due to a limited need for loading space based on the nature of the building.