

ARTICLE 3

ZONING DISTRICTS AND USE REGULATIONS

301. ESTABLISHMENT OF ZONING DISTRICTS.

- A. For the purpose of this Ordinance, the following zoning districts and overlay areas are hereby established:

R-12	Low Density Single Family Residential District
R-10	Medium Density Single Family Residential District
R-8	Medium Density Residential District
R-M	Mobile Home Residential District
C	Community Commercial District
I-C	Industrial and Heavy Commercial District
I-SC	Industrial and Shopping Center District
I-ME	Industrial and Mineral Extraction District
FP	Floodplain Overlay Area (See Article 5, Section 507)
SS	Steep Slope Overlay Area (See Article 5, Section 503)

- B. For the purposes of this Ordinance, the zoning districts and overlay areas named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. Unless otherwise provided by law or specifically in this ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Any territory which may hereafter be annexed to the Borough shall be classified as the zoning district of the Borough most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

303. ZONING MAP.

- A. A map entitled, "Zoning Map for the Borough of Wind Gap" accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the President of Borough Council attested by the Borough Secretary, and shall bear the adoption date of this Ordinance and the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map adopted _____ as part of the Wind Gap Borough Zoning Ordinance."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the Amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- E.
 - 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
 - 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
 - 3. The new Official Zoning Map shall be identified by the signatures of Borough Council, attested to by the Borough Secretary, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the Wind Gap Borough Zoning Ordinance."

4. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

304. RULES FOR INTERPRETING DISTRICT BOUNDARIES.

- A. Zoning boundaries drawn approximately following the centerlines of streams, drainageways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- B. Boundaries approximately following property lot lines shall be construed as following such property lot lines.
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- D. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through C above, the Zoning Hearing Board shall interpret the district boundaries.

312. I-ME - INDUSTRIAL AND MINERAL EXTRACTION DISTRICT.

A. Purpose. This District is intended to provide general industrial use and to permit the full use of natural resources available in these areas while protecting other uses in the surrounding environment of the Borough.

B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the "I-ME" District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Park
2. Agriculture
3. Horticulture
4. Forestry
5. Public Utility Structures
6. Office
7. Professional Office
8. Business Office
9. Medical Office Building
10. Governmental Services and Facilities
11. Municipal Use
12. Parking Facilities
13. Radio/TV Transmitter*
14. Telephone Exchange Building
15. Swimming Club, Tennis Club*
16. Seasonal Roadside Produce Market
17. Lumber Yard, Building Material Sales and Storage Yards*
18. General servicing or repair shops, such as watch, clock, radio, television and other home appliance repair shops
19. Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shells, textiles and tobacco.
20. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or conditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).
21. Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.

22. Manufacture and assembly of electrical or electronic devices; homes commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.
23. Processing and combining of food products (except meat or fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
24. Light metal processing such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
25. Bottling, packing or packaging establishments.
26. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
27. Research Laboratory or similar experimental testing or scientific establishment.
28. Publishing, printing, lithographing, bookbinding or similar establishment.
29. Wholesale and Warehousing, excluding motor freight terminals.
30. Planned Developments*
31. Contractor Yards
32. Bomb or Fallout Shelter
33. Private Garage
34. Essential Services
35. Residential dwelling unit in conjunction with a permitted or special exception non-residential use
36. Mini-Warehouse/Self-Storage Development*

*See Section 313.C. for additional standards.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the "I-ME" District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Mineral Extraction
2. Junk or Salvage Yard
3. Heliport/Helistop
4. Recycling Collection Area
5. Bulk Fuel Storage
6. Fuel Oil Company
7. Any industrial use of the same general character as those uses permitted by right. Evidence shall be submitted documenting the degree to which the proposed use will comply with the environment protection provisions of Article 5 and the general standards for special exception uses outlined in Section 313.

D. Accessory Uses.

1. Each accessory use in the "I-ME" District shall comply with the minimum yard requirements contained in Section 312.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the "I-ME" District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
 - a. Accessory Structure or Use
 - b. Bed and Breakfast Use, pursuant to the Special Exception procedures and standards of Section 313.
 - c. Bus Shelter
 - d. Fence and Wall
 - e. Home Gardening, Nursery or Greenhouse
 - f. Keeping Animals and Pets
 - g. Swimming Pool
 - h. Off-Street Parking, in accordance with Article 7
 - i. Radio/Television Transmitter
 - j. Recreational Vehicle
 - k. Signs, in accordance with Article 6
 - l. Temporary Structure or Use
 - m. Tennis Court
 - n. Satellite Earth Stations
 - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the I-ME District:
 - a. Any use which violates a provision of Article 4 or 5
 - b. Dump
 - c. Billboard

- E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the "I-ME" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervi- ous Surface Coverage (%)
Mineral Extraction	200,000	125	25	50	35
Planned Development	40,000	125	40	50	70
Other Uses	20,000	125	30	50	60

- F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the "I-ME" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard (feet)	Minimum Side One (feet)	Yards Total (feet)	Minimum Rear Yard (feet)
All Uses	30	25	50	30

- B. Access. Each use with less than one hundred (100') feet of frontage on an arterial or collector street shall have not more than one (1) accessway to each such street, and no business or other use with one hundred (100') feet or more of frontage on an arterial or collector street shall have more than two (2) accessways to any one street for each three hundred (300') feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.
- C. Street Intersection. To the fullest extent possible, intersections with collector and arterial streets shall be located not less than 1,000 feet apart, measured from centerline to center line. Exceptions shall be those cases deemed to require closer spacing without endangering the public's safety.
- D. Planned Developments. In the case of a planned development, shopping center, office complex, group of multiple family dwellings, or similar grouping of principal buildings on a lot, and in any other case where practicable:
1. Each principal building shall front upon a marginal access street, service road, common parking lot, or similar area and not directly upon a public street.
 2. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Borough.
 3. All streets and accessways shall conform to the specifications determined by the Borough Engineer and the requirements of the Borough Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Borough Engineer.
 4. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Borough.
- E. Reverse Frontage Encouraged. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged and reverse frontage shall be encouraged.

407. NONCONFORMITIES.

- A. Registration of Nonconforming Uses and Structures. Upon adoption of this Ordinance, the Borough Zoning Officer may identify and register nonconforming uses and structures.

B. Continuation. Any registered nonconforming use, structure, or lot may be continued, maintained, improved, and repaired, provided it conforms to the remainder of this section.

C. Alteration or Extension.

1. Nonconforming Structure.

- a. A nonconforming structure may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure. No structure shall be enlarged in such a way as to increase a nonconformity of the structure unless a variance is granted by the Zoning Hearing Board.
- b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 407.C.3.

2. Nonconforming Lot.

- a. Nonresidential Lots. A building may be constructed and expanded on a nonconforming, nonresidential lot provided the yard and lot coverage requirements of this ordinance are met and all DER requirements are met.
- b. Residential Lots. A building may be constructed and expanded on a nonconforming, residential lot provided the minimum yard and maximum lot coverage requirements listed for the Particular District are complied with.
- c. Exceptions. When a lot of record existing at the effective date of this Ordinance cannot meet the yard and maximum lot coverage requirement of the Particular District, a variance may be requested from the Zoning Hearing Board. Where two (2) adjacent lots of record with less than the required area and width are held by one (1) owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require that the two (2) lots be combined and used for one (1) principal building. Where three (3) or more adjacent lots of record with less than the required area and width are held by one (1) owner, the Zoning Hearing Board may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance. When making these decisions relating to this section, the Zoning Hearing Board shall consider among other factors the existing character of the area.

3. Nonconforming Use. As a special exception use, a nonconforming use may be enlarged by a maximum of 50 percent in total building floor area beyond what existed at the time of the use becoming nonconforming, provided all required setbacks are met. A nonconforming use shall not be demolished and reconstructed except as provided for in Section 407.D. "Restoration."

- D. Restoration. A nonconforming building or any building containing a nonconforming use destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned. An Application must be made for a building permit to rebuild.
- E. Ownership. Whenever a nonconforming use, structure, or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, provided that the new owner shall re-register the nonconforming use with the Zoning Officer within sixty (60) days after final settlement.
- F. Abandonment.
1. If a nonconforming use of a building or land is discontinued, razed, removed, or abandoned for 365 consecutive days, subsequent use of such building or land shall conform with the regulations of the district in which it is located.
 2. The act of abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use (operation, lease, sale, etc.) cease.
- G. Changes.
1. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
 2. A nonconforming use may be changed to another nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board after the following conditions are met:
 - a. The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.
 - b. The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
 - (1) Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),
 - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,
 - (3) Storage and waste disposal, and
 - (4) Appearance.
- H. District Changes. When boundaries of a district are changed so as to transfer an area from one district to another district, any resulting nonconforming use shall be subject to the provisions of Section 407.G.

