

ARTICLE 3 District Regulations

3.1 Application of District Regulations

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided:

3.1.1 – No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

3.1.2 – No building or other structure shall hereafter be erected or altered:

3.1.2.1 – to exceed the height or bulk;

3.1.2.2 – to accommodate or house a greater number of families;

3.1.2.3 – to occupy a greater percentage of lot area;

3.1.2.4 – to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to this Ordinance.

3.2 Zoning Permits

A zoning permit shall be required prior to the erection, addition or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; and prior to the change or extension of a nonconforming use.

3.3 Zoning Permit Exceptions

The following uses, related uses, and similar uses shall be exempt from the requirement of a zoning permit: Repair, reconstruction, or restoration (e.g., painting, re-siding, re-roofing) of a structure, whether principal or accessory, so long as the exterior dimensions are not enlarged, nonconformities are not extended nor created, and the use is permitted in accordance with Sections 3.5 through 3.8 of this Ordinance.

3.4 District Use Regulations and Dimensional Requirements

Specific use regulations and lot requirements are set forth on the tables that follow (see Section 3.5 – 3.8) for the applicable zoning districts of Nippenose Township.

3.5 Conservation / Open Space District

* See Table A – (C/OS)

3.6 Agriculture District

* See Table B – (A)

3.7 Residential District

* See Table C – (R)

3.8 Village District

* See Table D – (V)

Table A - 3.5 Conservation / Open Space District (C/OS)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures) (see §5.2 & 5.3) Agriculture (see §4.3) Bed & Breakfast (see §4.6) Clubs and Lodges Communications Antenna, Equipment Building (see § 4.9) Communications Tower (see §4.9) Cultivation of Crops & Home Gardening (permit not req'd.) Essential Services (see definition) - permit not req'd. Forestry Activities (permit not req'd.) Group & Family Child Care Homes (see §4.7) Group Home (see §4.11) Kennel (see §4.4) Metering Station (see §4.21) No Impact Home Based Business (see § 4.20 -permit not req'd.) Oil & Gas Development (see (see §4.21) Preservation/Conservation Areas Recreation, Indoor including Entertainment Facility, Museum Single Family Dwelling, Seasonal Dwelling Two Family Dwelling Water Reuse & Storage Facility (see §4.21) Water Withdrawal Facility (see §4.21)</p>	<p>Home Based Business (see §4.12) Home Occupation (see § 4.13) Natural Gas Compressor Station or Processing Plant (see §4.21) Professional Office, Professional Office Group Public Park Public or Quasi-Public Use Public Service Facility Recreation, Outdoor including Camp or Campground, Hunting Club Restaurant, Hotel or Motel, Convenience Market Self-Storage Facility (see §4.22) Shopping Center (see §4.23)</p>	<p>Adult Uses (see §4.2) Contractor's Yard (see §4.10) Correctional Facility Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Center (see §4.14) Junkyard or Salvage Yard (see §4.16) Manufacturing, Research and Testing Laboratories (see §4.17) Oil & Gas Staging Facility (see 4.21) Retail, Banks, Wholesale, Printing or non-Automotive Service or Repair Business Surface Mining (see §4.24) Trucking Terminal, Warehousing, Distribution Center Waste Facility or Waste Transfer Facility (see §4.27) - Wind Energy (see §5.28)</p>	<p>Minimum lot area: 10 acres for principal structure or use Minimum lot width: 200 ft. A larger minimum lot may be required based on DEP requirements <hr/> Minimum lot area for Agricultural Operation: 20 acres</p>	<p>Front: 75 feet from road centerline Side & Rear primary structure: 50 ft. Side & Rear accessory structure: 25 ft.</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions) Accessory Structures Height: 1 1/2 stories Maximum Building Coverage: 5% Maximum Impervious coverage: 10%</p>

Table B - 3.5 Agriculture District (A)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2 & 5.3) Agriculture (see §4.3) Bed & Breakfast (see §4.6) Clubs and Lodges Communications Antenna, Equipment Building (see § 4.9) Cultivation of Crops & Home Gardening (permit not req'd.) Essential Services (see definition) - permit not req'd. Forestry Activities (permit not req'd.) Group & Family Child Care Homes (see §4.7) Group Home (see §4.11) Kennel (see §4.4) No Impact Home Based Business (see § 4.20 -permit not req'd.) Preservation and Conservation Areas Recreation, Indoor including Entertainment Facility, Museum Single Family Dwelling, Seasonal Dwelling Two Family Dwelling Water Withdrawal Facility (see §4.21)</p>	<p>Agricultural Business Agricultural Operation (see §4.3) Animal Hospital (see §4.4) Automotive Car Wash, Repair, Sales or Service Facility (see §4.5) Child Care and Adult Day Care Center (see §4.7) Communications Tower (see §4.9) Home Based Business (see §4.12) Home Occupation (see § 4.13) Medical Marijuana Grower/Processor (see §4.18) Multiple Family Dwelling (see §4.15) Professional Office, Professional Office Group Public Park Public or Quasi-Public Use Recreation, Outdoor including Camp or Campground, Hunting Club Restaurant, Hotel or Motel, Convenience Market Self-Storage Facility (see §4.22) Shopping Center (see §4.23) Water Reuse Storage Facility (see §4.21)</p>	<p>Airport or Aviation Facility (see Article 6) Contractor's Yard (see §4.10) Junkyard or Salvage Yard (see §4.16) Manufacturing, Research and Testing Laboratories (see §4.17) Oil & Gas Staging Facility (see §4.21) Retail, Banks, Wholesale, Printing or non-Automotive Service or Repair Business Surface Mining (see §4.24) Trucking Terminal, Warehousing, Distribution Center</p>	<p>Minimum lot area: 2 acres per principal structure or use Minimum lot width: 150 ft. A larger minimum lot may be required based on DEP requirements <hr/>Minimum lot area for Agricultural Operation & Medical Marijuana Grower/Processor: 20 acres<hr/></p>	<p>Front: 50 feet from road centerline or 25 ft from right-of-way line, whichever is greater Side & Rear primary structure: 25 ft. Side & Rear accessory structure: 10 ft.</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions) Accessory Structures Height: 1 1/2 stories Maximum Building Coverage: 10% Impervious coverage: 20%</p>

Table C - 3.5 Residential District (R)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Minimum Lot Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2, 5.3)</p> <p>Communications Antenna, Equipment Building (see §4.9)</p> <p>Cultivation of Crops & Home Gardening - no permit req'd.</p> <p>Essential Services (see definition) - permit not req'd.</p> <p>Forestry Activities - no permit req'd.</p> <p>Group & Family Child Care Homes (see §4.7)</p> <p>Group Home (see §4.11)</p> <p>No Impact Home Based Business (see § 4.20)</p> <p>Recreation, Indoor including Entertainment Facility, Museum</p> <p>Single Family Dwelling, Seasonal Dwelling</p> <p>Two Family Dwelling, Duplex</p>	<p>Bed & Breakfast (see §4.6)</p> <p>Child Care and Adult Day Care Center (see §4.7)</p> <p>Home Based Business (see §4.12)</p> <p>Kennel (see §4.4)</p> <p>Multiple Family Dwelling (see §4.15)</p> <p>Professional Office, Professional Office Group</p> <p>Public Park</p> <p>Public and Quasi-Public Uses</p> <p>Public Service Facility</p> <p>Restaurant, Hotel or Motel, Convenience Market</p> <p>Retail, Bank, Wholesale, Printing or Non-Automotive Service or Repair</p>	<p>Minimum lot areas per principal structure or use:</p> <p>2 acres (public sewer & water)</p> <p>1 acre (public sewer or water)</p> <p>Minimum lot width per principal structure or use:</p> <p>150 ft. (public sewer or water)</p> <p>125 feet (public sewer & water)</p> <hr/> <p>A larger minimum lot may be required based on DEP requirements in the event that public sewer is not available</p>	<p>Front: 75 feet from road centerline or 50 feet from right-of-way, whichever is greater</p> <p>Side: 25 feet total; no less than 10 ft each side</p> <p>Rear: 40 feet for principal structure</p> <p>15 feet from any accessory structure</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions)</p> <p>Accessory Structures Height: 15 feet</p> <p>Maximum Building Coverage: 20%</p> <p>Maximum Impervious Coverage: 40%</p>

Table D - 3.5 Village District (V)

Permitted Uses	Special Exception Uses (see §4.1 & Article 14)	Conditional Uses (see §4.1 & Article 15)	Minimum Lot Area Requirements	Minimum Yard Requirements	Maximum Height & Lot Coverage
<p>Accessory Uses/Structures (see §5.2 & 5.3)</p> <p>Cluster Subdivision (see §4.8)</p> <p>Communications Antenna, Equipment Building (see § 4.9)</p> <p>Cultivation of Crops & Home Gardening (permit not req'd.)</p> <p>Essential Services (see definition) - permit not req'd.</p> <p>Forestry Activities (permit not req'd.)</p> <p>Group & Family Child Care Homes (see §4.7)</p> <p>Group Home (see §4.11)</p> <p>No Impact Home Based Business (see § 4.20 -permit not req'd.)</p> <p>Professional Office, Professional Office Group</p> <p>Recreation, Indoor including Entertainment Facility, Museum</p> <p>Single Family Dwelling, Seasonal Dwelling</p> <p>Two-Family Dwelling</p>	<p>Bed & Breakfast (see §4.6)</p> <p>Child Care and Adult Day Care Center (see §4.7)</p> <p>Home Based Business (see §4.12)</p> <p>Home Occupation (see § 4.13)</p> <p>Kennel (see §4.4)</p> <p>Medical Offices, Clinic, Surgery Center Multiple Family Dwelling (see §4.15)</p> <p>Public Park</p> <p>Public or Quasi-Public Use</p> <p>Public Service Facility</p> <p>Restaurant, Hotel or Motel, Convenience Market</p> <p>Retail, Banks, Wholesale, Printing or non- Automotive Service or Repair Business</p>	<p>Institutional Residence (see §4.15)</p> <p>Mobile Home Park (see §4.19)</p> <p>Multiple Family Dwelling Development (see §4.15)</p> <p>Townhouses (see §4.25)</p>	<p>Minimum lot area per principal structure or use:</p> <p>Public Sewer & Water- 1 acre Public Sewer or Water- 2 acres</p> <p>Minimum lot width per principal structure or use: 150 ft</p> <hr/> <p>A larger minimum lot may be required based on DEP requirements in the event that public sewer is not available</p>	<p>Front: 75 feet from road centerline</p> <p>Side: 25 feet total; no less than 10 ft. each side</p> <p>Rear: 40 feet for Principal Structure; 15 feet for accessory structure</p>	<p>Principal Structures: Height: 35 feet (see §5.6 for exceptions)</p> <p>Accessory Structures Height: 1 1/2 stories</p> <p>Maximum Building Coverage: 20%</p> <p>Maximum Impervious coverage: 40%</p>

3.9 Township Road Designations

The township is permitted to designate certain Township roads as snowmobile and ATV roads under the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 PA. C.S. *7701, et seq., and any amendments thereto and regulations adopted thereunder (the “Act”), and believe that allowing the operation of ATV’s and Snowmobiles, on Township roads will not be detrimental to the public interest or safety.

3.9.1 – The roads designated by this Ordinance shall be posted in the manner required by the Act and the Pennsylvania Vehicle Code.

3.9.2 – No ATV may be operated on any Township Road which has not been designated a Snowmobile or ATV road pursuant to this Ordinance and which has not been posted with signs in accordance with the requirements of law.

3.9.3 – No ATV shall be operated on any road designated by this Ordinance except in compliance with the applicable provisions of the Act, including, but not limited to, those provisions regulating registration, operation and equipment.

3.9.4 – The provisions of this Ordinance shall not be deemed to limit or prohibit any other legal activity upon the designated roads. The designated roads shall remain open for vehicular and other use by the public as permitted by law.

3.9.5 – As to any road designated herein which is a boundary road with respect to which another municipality shares control, any permission to operate ATVs created herein shall be void, absent the grant of authority by the other municipality having authority.

3.9.6 – Any person violating the provisions of this Ordinance or the provisions of the Act and regulations adopted pursuant thereto, shall be guilty of a summary offense and shall, upon conviction, be sentenced in accordance with the provisions of applicable law to such fines and other penalties as provided for therein including but not limited to, those specifically set forth in the Act.

3.9.7 – Amendments to the Pennsylvania Vehicle Code and the Act, as may be enacted by the Pennsylvania legislature and which relate to and modify any provisions of this Ordinance shall be deemed incorporated into this Ordinance by reference on the effective date of said legislative act without further official action of the Township so as to preserve the intent and proper enforcement of this Ordinance.

3.9.8 – No liability shall be imposed on Nippenose Township as a result of designating these Township roads as ATV and Snowmobile roads.

3.9.10 – Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

3.10 Floodplain Management

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Below, this complete ordinance is summarized to provide its title, purpose(s), key regulations, and enforcement. **You may view the complete ordinance in office or provided on our website.**

3.10.1 – This ordinance shall be known, and may be cited, as the “Nippenose Township Floodplain Management Ordinance”.

3.10.2 – This ordinance is enacted for the following purpose(s):

3.10.2.1 – Promote the general health, welfare, and safety of the Municipality.

3.10.2.2 – Encourage the utilization of appropriate construction practices in order to prevent or minimize Flood damage in the future.

3.10.2.3 – Minimize danger to public health by protecting water supply and natural drainage.

3.10.2.4 – Reduce financial burdens imposed on the Municipality, its governmental units, and its residents, by preventing excessive Development in areas subject to Flooding.

3.10.2.5 – Comply with federal and state floodplain management requirements.

3.10.2.6 – Establish minimum requirements for floodplain management.

3.10.3 – Applicability:

3.10.3.1 – It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or Development anywhere within the Municipality unless a Floodplain Development Compliance Certificate has been obtained from the Floodplain Administrator.

3.10.4 – This Ordinance supersedes any other conflicting provisions which may be in effect in Identified Floodplain Areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

3.10.5 – The degree of Flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger Floods may occur, or Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any Identified Floodplain Areas, or that land uses permitted within such areas will be free from Flooding or Flood damages.

This Ordinance shall not create liability on the part of the Municipality or any officer or employee thereof for any Flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.