

## ARTICLE 4 -- USE REGULATIONS

### SECTION 4.0 AGRICULTURAL/RESIDENTIAL DISTRICT (A/R)

#### 4.0.1 DISTRICT INTENT

The intent of this Agricultural-Residential district is to provide for the health, safety and general welfare of the residents of Wyalusing Township, to promote and encourage family living, and to conserve those areas in the Township suitable for farm and agricultural uses. The topographic and soil conditions in the Township restrict development in many areas. To maintain the rural character of the area is a policy stated in the Comprehensive plan and is adhered to in this Ordinance.

#### 4.0.2 USES PERMITTED-BY-RIGHT

Upon satisfactory proof of compliance with the provisions of this Zoning Ordinance, the Zoning Officer will issue a permit for the following uses:

- (a) Agriculture on less than 5 acres - including the growing of any agricultural product(s), but no refining or processing of that product(s); no fowl or farm animals
- (b) Agriculture on 5 acres or more - including the growing of any agricultural product(s), but no refining or processing of that product(s); fowl and farm animals allowed but excluding concentrated animal feeding operations
- (c) Bed and breakfast establishments
- (d) Day care, adult and child
- (e) Factory manufactured dwellings
- (f) Farm stands
- (g) Forestry
- (h) Group homes
- (i) Mobile homes on individual lots not in a mobile home park
- (j) Public schools, parks
- (k) Single-family dwellings
- (l) Two-family dwellings
- (m) Two or more principal residential structures on the same lot in single ownership (density must be maintained based on minimum lot size per dwelling unit)

Accessory uses customarily incidental to any approved use and located on the same lot as the principal use, including but not limited to:

- (a) Essential services
- (b) Home gardens, home greenhouses and home nurseries
- (c) Home occupations
- (d) Pets, keeping of
- (e) Private garages, carports, sheds
- (f) Private swimming pools
- (g) Required parking areas
- (h) Satellite dishes - ground mounted 8' in diameter or less
- (i) Signs accessory to approved uses
- (j) Wind energy conversion systems (windmills)
- (k) Yard sales

#### 4.0.3 CONDITIONAL USES

The following uses are permitted when authorized by the Wyalusing Township Supervisors, as stated in Articles 9 and 10. Development guidelines in Article 11 shall be used as applicable criteria for consideration of such uses as appropriate:

##### (a) RESIDENTIAL USES:

- (1) Accessory uses customarily incidental to any approved use and not located on the same lot as the principal use

- (2) Agriculture on less than 5 acres involving the refining or processing of a product and/or including the keeping of fowl or farm animals
- (3) Hospital/nursing or convalescent homes
- (4) Mobile home parks
- (5) Multi-family dwelling units

(b) PUBLIC AND SEMI-PUBLIC USES:

- (1) Cemeteries
- (2) Crematories
- (3) Churches or other places of worship
- (4) Cultural facilities (library, art gallery, museum, etc.)
- (5) Detention facilities
- (6) Municipal/public buildings
- (7) Non-profit clubs
- (8) Public recreation facilities
- (9) Public transportation uses
- (10) Public utility uses

(c) BUSINESS/COMMERCIAL AND OTHER USES:

- (1) Airports, public and private
- (2) Boarding houses
- (3) Commercial communications device sites
- (4) Country clubs
- (5) Elder care facilities/nursing homes
- (6) Golf courses
- (7) Group home facilities
- (8) Heliports, public and private
- (9) Home based businesses
- (10) Kennels
- (11) Multiple occupant buildings for business/commercial uses listed in the A/R District
- (12) Private clubs, lodges
- (13) Private recreation facilities, not otherwise specifically identified as a use in this Article 4
- (14) Race tracks
- (15) Roadside stands
- (16) Satellite television antennas - ground mounted >8' in diameter
- (17) Sawmills
- (18) Schools conducted for profit
- (19) Self-storage facilities
- (20) Shooting ranges, outdoor
- (21) Stable, riding academy
- (22) Storage yards for forest products and stone
- (23) Tourist recreation facilities (e.g., amusement parks, vacation resorts) not otherwise specifically identified as a use in this Article 4
- (24) Veterinarian offices and animal hospitals

(d) INDUSTRIAL USES:

- (1) Administrative, educational and related offices/facilities in conjunction with an approved use
- (2) Agricultural products processing/refining/modification
- (3) Concentrated animal feeding operations
- (4) Contractor's yards
- (5) Junk yards
- (6) Manufacturing, light
- (7) Multiple occupant buildings for industrial uses listed in the A/R District
- (8) Natural resource uses
- (9) Natural resource processing

- (10) Sawmills on a minimum of ten (10) acres
- (11) Solid waste facilities, public and private
- (12) Water extraction and bottling
- (13) Wind energy conversion systems (windmills)

#### Section 4.1 RESIDENTIAL DISTRICT (R)

##### 4.1.1 DISTRICT INTENT

The intent of the Residential district is to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristic of the older established residential areas in the Township.

##### 4.1.2 USES PERMITTED-BY-RIGHT

Upon satisfactory proof of compliance with the provisions of this Zoning Ordinance, the Zoning Officer will issue a permit for the following uses:

- (a) Agriculture on less than 5 acres - including the growing of any agricultural product(s), but no refining or processing of that product(s); no fowl or farm animals
- (b) Agriculture on 5 acres or more - including the growing of any agricultural product(s), but no refining or processing of that product(s); fowl and farm animals allowed but excluding concentrated animal feeding operations
- (c) Bed and breakfast establishments
- (d) Factory manufactured dwellings
- (e) Farm stands
- (f) Forestry
- (g) Group homes
- (h) Mobile homes on individual lots not in a mobile home park
- (i) Public schools, parks
- (n) Single-family dwellings
- (o) Two-family dwellings
- (p) Two or more principal residential structures on the same lot in single ownership (density must be maintained based on minimum lot size per dwelling unit)

Accessory uses customarily incidental to any approved use and located on the same lot as the principal use, including but not limited to:

- (a) Essential services
- (b) Home gardens, home greenhouses and home nurseries
- (c) Home occupations
- (d) Pets, keeping of
- (e) Private garages, carports, sheds
- (f) Private swimming pools
- (g) Required parking areas
- (h) Satellite dishes - ground mounted 8' in diameter or less
- (i) Signs accessory to approved uses
- (j) Wind energy conversion systems (windmills)
- (k) Yard sales

##### 4.1.3 CONDITIONAL USES (See Section 9.2 for expansions of existing conditional uses.)

The following uses are permitted when authorized by the Wyalusing Township Supervisors, as stated in Articles 9 and 10. Development guidelines in Article 11 shall be used as applicable criteria for consideration of such uses as appropriate:

- (a) Accessory structures and uses customarily incidental to any uses mentioned in Section 4.1.2 and not located on the same lot as the principal use
- (b) All uses/activities and structures within the Flood Damage Prevention District (i.e., designated flood way and/or flood plain areas) See Section 11.20.
- (c) Boarding houses
- (d) Churches or other places of worship

- (e) Day care centers
- (f) Multiple occupant buildings for conditional uses listed in the R District
- (g) Nursing or convalescent homes
- (h) Private schools, schools conducted for profit
- (i) Satellite television antennas - ground mounted >8' in diameter

#### **SECTION 4.2 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

##### **4.2.1 DISTRICT INTENT**

The intent of the Neighborhood Commercial district is to provide areas within the Township for the location of less intensive retail and service establishments and commercial enterprises catering primarily to the needs of local residents, while allowing certain agricultural and residential uses in the district.

##### **4.2.2 USES PERMITTED-BY-RIGHT**

Upon satisfactory proof of compliance with the provisions of this Zoning Ordinance, the Zoning Officer will issue a permit for the following uses:

- (a) All uses permitted by right in the R District
- (b) Banks
- (c) Bed and breakfast establishments
- (d) Boarding houses and bed & breakfasts
- (e) Car and truck washes
- (f) Cemeteries
- (g) Churches or other places of worship
- (h) Convenience stores/mini-markets
- (i) Cultural facilities (library, art gallery, museum, etc.)
- (j) Day care, adult and child
- (k) Funeral homes
- (l) Gasoline filling stations
- (m) Hospital/nursing or convalescent homes
- (n) Medical/health clinics
- (o) Multiple occupant commercial buildings for uses permitted-by-right in the NC District
- (p) Municipal/public buildings
- (q) Newspaper offices and printing shops
- (r) Office buildings - general
- (s) Office buildings - professional
- (t) Personal commercial/service establishments not otherwise specifically identified as a use in this Article 4
- (u) Private schools, schools conducted for profit
- (v) Public recreation facilities
- (w) Restaurants, not including fast drive-through restaurants
- (x) Retail business/service, not otherwise specifically identified as a use in this Article 4
- (y) Roadside stands
- (z) Two or more principal residential structures on the same lot in single ownership (density must be maintained based on minimum lot size per dwelling unit)
- (aa) Veterinarian offices excluding overnight boarding

Accessory uses customarily incidental to any approved use and located on the same lot as the principal use, including but not limited to:

- (a) Essential services Home occupations
- (b) Home gardens, home greenhouses and home nurseries
- (c) Home occupations
- (d) Pets, keeping of
- (e) Private garages, carports, sheds
- (f) Private swimming pools
- (g) Required parking areas
- (h) Satellite dishes - ground mounted 8' in diameter or less
- (i) Signs accessory to approved uses

- (j) Wind energy conversion systems (windmills)
- (k) Yard sales

#### 4.2.3 CONDITIONAL USES (See Section 9.2 for expansions of existing conditional uses.)

The following uses are permitted when authorized by the Wyalusing Township Supervisors, as stated in Articles 9 and 10. Development guidelines in Article 11 shall be used as applicable criteria for consideration of such uses as appropriate:

- (a) Home based businesses
- (b) Motor vehicle and equipment sales and service excluding vehicle body repair or painting
- (c) Multiple occupant buildings for conditional uses listed in the NC District
- (d) Multi-family dwelling units
- (e) Private clubs, lodges
- (f) Public transportation uses
- (g) Public utility uses

### **SECTION 4.3 HIGHWAY COMMERCIAL DISTRICT (HC)**

#### 4.3.1 DISTRICT INTENT

The intent of the Highway Commercial District is for the orderly development of a variety of highway-oriented commercial uses within certain areas of the Township along Route 6 where commercial business development is most appropriate and most likely to occur.

#### 4.3.2 USES PERMITTED-BY-RIGHT

Upon satisfactory proof of compliance with the provisions of this Zoning Ordinance, the Zoning Officer will issue a permit for the following uses:

- (a) All uses permitted by right in the R District
- (b) All uses permitted by right in the NC District
- (c) Administrative, educational and related offices/facilities in conjunction with an approved use
- (d) Amusement arcades
- (e) Banks
- (f) Bed and breakfast establishments
- (g) Boarding houses and bed & breakfasts
- (h) Bowling alleys
- (i) Car and truck washes
- (j) Cemeteries
- (k) Child day care centers
- (l) Churches or other places of worship
- (m) Convenience stores/mini-markets
- (n) Cultural facilities (library, art gallery, museum, etc.)
- (o) Equipment rental or sales yards
- (p) Funeral homes
- (q) Gasoline filling stations
- (r) Group home facilities
- (s) Hospital/nursing or convalescent homes
- (t) Hotels and motels
- (u) Laundries or dry cleaning plants
- (v) Light manufacturing
- (w) Medical/health clinics
- (x) Multiple occupant commercial buildings
- (y) Municipal/public buildings
- (z) Newspaper offices and printing shops
- (aa) Office buildings
- (bb) Personal commercial/service establishments not otherwise specifically identified as a use in this Article 4
- (cc) Private clubs, lodges
- (dd) Private recreation facilities, not otherwise specifically identified as a use in this Article 4
- (ee) Private schools, schools conducted for profit

- (ff) Public recreation facilities
- (gg) Research laboratories
- (hh) Restaurants, excluding fast food/drive-through restaurants
- (ii) Retail business/service, not otherwise specifically identified as a use in this Article 4
- (jj) Roadside stands
- (kk) Self-storage facilities
- (ll) Shopping centers or malls
- (mm) Shooting ranges, indoor
- (nn) Theaters or concert hall
- (oo) Tourist recreation facilities (e.g. amusement parks, vacation resorts) not otherwise specifically identified as a use in this Article 4
- (pp) Truck stops
- (qq) Veterinarian offices or animal hospitals
- (rr) Warehouse and distribution facilities
- (ss) Wholesale businesses or services, not otherwise specifically identified as a use in this Article 4

#### 4.3.3 CONDITIONAL USES (See Section 9.1 for expansions of existing conditional uses.)

The following uses are Conditional Uses when authorized by the Wyalusing Township Supervisors upon satisfaction of the requirements of Article 9:

- (a) Adult businesses
- (b) Agriculture on less than 5 acres involving the refining or processing of a product and including the keeping of fowl or farm animals
- (c) Bar or nightclub
- (d) Betting uses
- (e) Contractor's yards
- (f) Crematories
- (g) Detention facilities
- (h) Drive-in theaters
- (i) Golf driving ranges and miniature golf courses
- (j) Manufacturing, light
- (k) Motor vehicle and equipment sales and service including vehicle body repair or painting
- (l) Multi-family dwelling units
- (m) Public transportation uses
- (n) Public utility uses
- (o) Restaurants, including fast food/drive-through restaurants
- (p) Treatment centers/clinics
- (q) Truck terminals
- (r) Warehouse and distribution facilities

### **SECTION 4.4 INDUSTRIAL DISTRICT (I)**

#### 4.4.1 DISTRICT INTENT

The intent of the Industrial district is to provide for orderly development of larger scale business uses primarily of the manufacturing and industrial nature within certain areas of the Township with access to main roads, utilities, other facilities and land area necessary for the large-scale business operation.

#### 4.4.2 USES PERMITTED-BY-RIGHT

Upon satisfactory proof of compliance with the provisions of this Zoning Ordinance, the Zoning Officer will issue a permit for the following uses:

- (a) Administrative, educational and related offices/facilities in conjunction with an approved use
- (b) Agriculture on less than 5 acres - including the growing of any agricultural product(s), but no refining or processing of that product(s); no fowl or farm animals
- (c) Agriculture on 5 acres or more - including the growing of any agricultural product(s), but no refining or processing of that product(s); fowl and farm animals allowed but excluding concentrated animal feeding operations
- (d) Agricultural products processing/refining/modification

- (e) Crematories
- (f) Forestry
- (g) Manufacturing, light
- (h) Public transportation uses
- (i) Public utility uses
- (j) Research laboratories
- (k) Sawmills
- (l) Self-storage facilities

#### 4.4.3 CONDITIONAL USES (See Section 9.2 for expansions of existing conditional uses.)

The following uses are Conditional Uses when authorized by the Wyalusing Township Supervisors upon satisfaction of the requirements of Article 9:

- (a) Adult businesses
- (b) Commercial communications device sites
- (c) Industrial parks
- (d) Junk yards
- (e) Manufacturing and industry
- (f) Natural resource processing
- (g) Power plants
- (h) Rendering plants
- (i) Solid waste facilities and staging areas, public and private
- (j) Slaughter houses, including meat processing and packaging
- (k) Tanneries
- (l) Truck terminals
- (m) Warehouse and distribution facilities

#### 4.4.4 ACCESSORY USES

Accessory uses customarily incidental to any approved use and located on the same lot as the principal use shall be permitted. Upon proof of compliance with the provisions of this Zoning Ordinance, permits for accessory uses shall generally be issued by the Zoning Officer. However, in the case of the expansion of an existing use classified as a conditional use, accessory uses involving buildings or impervious surfaces shall be governed by Section 9.1 of this Ordinance.

Accessory uses including but not limited to:

- (a) Essential services
- (b) Private garages, carports, sheds
- (c) Required parking areas
- (d) Satellite dishes - ground mounted 8' in diameter or less
- (e) Signs accessory to approved uses
- (f) Wind energy conversion systems (windmills)

### **SECTION 4.5 USES NOT SPECIFICALLY LISTED**

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
  1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule Regulations.
  2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.

3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
  - D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the schedule of uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.