

- (10) Provide additional housing opportunities for County residents, including young families and the elderly who need affordable housing as well as new residents moving to the County.
- (11) Encourage the planning, design, and development of building sites in such a fashion as to provide for maximum safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain.
- (12) Encourage imaginative and innovative building techniques in order to create buildings suited to natural hillside surroundings.
- (13) Design roads so that they follow natural topography, wherever possible, to minimize cutting and grading.
- (14) Discourage strip-type development along County roads that would preclude more intensive cluster and neighborhood type developments and thus limit access to interior lots that could be used for future development.
- (15) Develop conservation approaches that will protect the natural ecosystem in order to promote the health and welfare of County residents.
- (16) Encourage the protection of the County's extensive woodland and open space areas through sound conservation techniques and practice.
- (17) Encourage more flexible land development which will respect and conserve natural resources such as streams, floodplain, ground water, wooded areas, steeply-sloping areas of unusual attractiveness in the natural environment.
- (18) Control development, clear cutting and other activity on hillsides to minimize pollution of streams, watersheds and underground aquifers to maintain water quality standards for domestic, recreation and commercial use.
- (19) Preserve and enhance the beauty of the landscape by encouraging maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, and trees.
- (20) Encourage seasonal use of woodland and open space areas in order to eliminate the need for permanent infra-structure, community services and other improvements that would create an undue economic burden on County residents and change the character of the natural environment.
- (21) Maintain the habitat for game and other animal and wildlife upon which residents of the County depend for recreation and in some cases their livelihood.
- (22) Encourage the formation of landowner and other type of associations and land conservation entities that will maintain woodland and open

space areas.

- (23) Minimize grading and cut-and-fill operations consistent with the retention of the natural character of hill areas.
- (24) Discourage the placement of hazardous and/or low-level radioactive waste sites that could adversely compromise the natural environment and/or the health and safety of County residents.

ARTICLE III

DEFINITIONS

3.00 APPLICATION AND INTERPRETATION

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning indicated as follows:

- (1) Words used in the present tense include the future tense.
- (2) The word "person" includes a profit or non-profit corporation, company, partnership or individual.
- (3) The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- (4) The word "building" includes structure.
- (5) The word "lot" includes plot or parcel.
- (6) The word "shall" is always mandatory.

3.01 DEFINITION OF TERMS

Abandonment: To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

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

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use of building.

Act 247: The Pennsylvania Municipalities Planning Code, as amended. The law,

passed July 31, 1968, is the enabling legislation which permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

Adult Entertainment: A store or shop with more than fifteen (15) square feet of floor area devoted to the display and selling of pornographic materials consisting of pictures, drawings, photographs or other depictions, or printed matter and paraphernalia which, if sold knowingly to a child under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect the same time thereof.

Agriculture: The cultivation of soil and other uses of land including but not by way of limitation; horticulture, mushroom growing, and the breeding and raising of customary domestic animals, dairying, pasturing, floriculture, viticulture, apiculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce provided however that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Agricultural Activities: The procedures that a farm adopts and/or uses in production and preparation of food and agricultural products for market. These procedures being such that they do not pollute the air, water or other natural resources of the area, but include the usual noise, dust and odors involved in agricultural practices. The term includes the storage and utilization of agricultural and food processing wastes, screenings and sludges for animal feed, and the agricultural utilization of septic tank cleaning and sewage sludges which are generated off-site on land where the material will improve the soil.

Agricultural Protection Areas: Farmland preserved through the use of Pennsylvania Act 43, known as the "Agricultural Area Security Law" as signed into law. In effect, this Act provides a means by which agricultural land may be protected and enhanced as a viable segment of the County's economy, and an economic and environmental resource of major importance.

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

Amendment: Revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the County Commissioners and is pursuant to the Pennsylvania Municipalities Planning Code.

Application for Zoning Permit: An application, required to be filed and approved by the County Planning Commission prior to start of construction or development.

Aquifer: A geological unit in which porous and permeable conditions exist and

thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Billboard: A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises wherein it is displayed or posted.

Biological Diversity Areas: Geographic areas defined and listed in the March 1993, **CLINTON COUNTY HERITAGE INVENTORY** as Biological Diversity Areas (BDA). A Biological Diversity Area may consist of:

(1) Special Species Habitat

An area that includes natural or human influenced habitat that harbors one or more occurrences of plants or animals recognized as state or national species of special concern. Examples: A forested stream valley that supports a threatened plant population. A stream that provides habitat for a rare animal.

(2) High Diversity Area

An area found to possess a high diversity of species of plants and animals native to the county. Example: A relatively large tract that provides a variety of habitats.

(3) Community/Ecosystem Conservation Area

An area that supports a rare or exemplary natural community (assemblage of plants and animals), including the highest quality and least disturbed examples of relatively common community types.
Example: A marsh land that supports a wetland community found in no or few other sites in the county.

Boarding House: Any structure in which four (4) or more persons either individually or as a family are housed or lodged for hire with or without meals but without separate cooking or sanitary facilities. A rooming house, furnished room house, tourist home, or fraternity/sorority house shall be deemed a boarding house for the purpose of this Ordinance. Any dwelling containing one or more units with an occupancy of four (4) or more persons not within the second degree of kinship, shall also be deemed a boarding house.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and other major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Cartway: That portion of the street right-of-way surface for vehicular use. Width is determined from face of curb to face of curb or from on edge of driving surface to the other edge of driving surface.

Certification of Compliance: A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building, structure or use of a parcel of land complies with this Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified use or both.

Church or Place of Religious Worship: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinton County Comprehensive Plan: Adopted December 12, 1992 by the Clinton County Board of Commissioners, Clinton County Courthouse, Lock Haven, PA.

Clinton County Natural Heritage Inventory: Adopted February 9, 1994 by the Clinton County Board of Commissioners, Clinton County Courthouse, Lock Haven, PA.

Club: Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Commissioners: The Clinton County Board of Commissioners

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 Center: A place, structure, area, or other facility used in providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Composting, Accessory Use: The term includes storage, collection, transportation, and/or use of manure, agricultural waste, food processing waste, screenings and sludges on land where the materials will improve the condition of the soil, the growth of crops or in the restoration of the kind for the same purposes. The term also includes storage arrangement, transportation, and disposal of manure, agricultural waste, food processing waste, screenings, and sludges accumulated on-site for purpose of disposal as long as the waste is not considered to be residual or hazardous wastes according to the standards set by the Pennsylvania Department of Environmental Resources. This use is customarily incidental and subordinate to the principal use and is located on the same parcel with such principal use.

Composting, Principal Use: The collection, storage, transportation and disposal of agricultural wastes, food processing wastes, screenings, sludges, manure, and biological decomposable materials from mainly, but not necessarily entirely off-site sources for the purpose of resale after the composting processes have been completed as long as the waste is not considered to be residual or hazardous wastes according to the standards set by DER. This use is clearly the principal purpose for which a building, other structure and/or land is used, occupied or maintained under the Zoning Ordinance.

Conservation Areas: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable

habitat for fish, plants, or wildlife; or maintaining existing land uses.

Day Care Center, Commercial: A facility in which care is provided for seven or more children, at any one time, where the child care areas are not being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Public Welfare and the Pennsylvania Department of Labor and Industry.

Day Care Home, Family: Any premise other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five, or six children, who are not relatives of the caregivers. Pennsylvania Department of Public Welfare registration is required and home occupation regulations herein shall be adhered to.

Day Care Home, Group: A facility in which care is provided for more than six but less than twelve children, at any one time, where the child care areas are being used as a family residence. All facilities require approval or licensure as specified by the Pennsylvania Department of Public Welfare and home occupation regulations herein shall be adhered to.

Density: A ratio of the number of dwelling units per acre which occupy or may occupy, an area of land.

Development Plan: The provisions for development of a planned residential development, including 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 Ordinance, shall mean the written and graphic materials referred to in this definition.

District or Zoning District: An area constituted by or pursuant to this Ordinance and delineated by text and map as to location, extent, nature and contents.

Dwelling: A building or portion thereof that provides living facilities for one or more families.

Dwelling, Multi-Family: A building or portion thereof for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Seasonal: A dwelling not used for permanent residence and nor occupied for more than six months in each year.

Dwelling, Single-Family, Attached (Group, Row, and Townhouses): One of two or more residential buildings having a common or party wall separating dwelling units.

Dwelling, Single-Family, Detached: A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Essential Service: The erection, construction, alteration or maintenance by public utilities or public service establishment or municipal or other governmental agencies of: underground gas, electrical, telephone, radio, television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; including buildings necessary for the furnishing of adequate services for the public health, safety and general welfare; excluding sanitary landfills.

Family: One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Flood: A temporary inundation of normally dry land areas.

- (1) **Flood, One Hundred Year**: A flood that, on the average, is likely to occur once every 100 years, i.e. that has a one percent chance of being equalled or exceeded in any given year; for the purposes of this Ordinance, the Regulatory Flood.
- (2) **Flood, Regulatory**: A flood having a one percent chance of being equalled or exceeded in any given year; the 100 year flood.

Flood Fringe: That portion of the 100 year flood plain outside the floodway.

Flood Hazard Area: A relatively flat or low land area adjoining a stream, river, or water course which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. The boundary of this area shall coincide with the boundary of the 100 year flood.

Flood Plain: For the purposes of this Ordinance, the flood plain shall be defined the same as the Flood Hazard Area.

Flood Proofing: Structural modifications or other changes or adjustments to buildings or their contents, undertaken to reduce or eliminate flood damage to them.

Floodway: The channel of a river or other water course and the adjacent land areas required to carry and discharge a flood of a 100 year frequency without cumulatively increasing the water surface elevation more than one foot at any point.

Garage, Private: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

Garage, Repair: A building used primarily for making major repairs to motor vehicles, including overhauling, body work, refinishing, and upholstering and incidental servicing.

General Store: A retail establishment providing, for sale, a variety of perishable household goods. Up to thirty (30) percent of the interior floor space may be used for non-perishable and non-household goods.

Group Home: A facility or dwelling unit housing four or more persons who are not within the second degree of kinship and are operating as a group family household, including but not limited to handicapped persons, foster children, elderly, battered children and women, and operates as a special treatment facility providing less than primary health care.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

Home Occupation: An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Home Occupation, Rural: An accessory use to a customary farming operation or a non-farm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings.

Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and upkeep of semiprivate community facilities.