

**ARTICLE IV
DISTRICT REGULATIONS**

401 Designation of Districts

401.1 Designation

For the purposes of this Ordinance, Eldred Township is hereby divided into the following Zoning Districts:

- | | | |
|--|------------------------|-----------------------|
| RR Rural Resource District | R Residential District | I Industrial District |
| AR Agricultural / Residential District | C Commercial District | |

401.2 Intent

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in §404 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in §404 of this Ordinance.

401.3 Floodplain Overlay District

The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100) year flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this Zoning Ordinance the floodplain regulations in the Township Floodplain Ordinance shall apply in the Floodplain Overlay District.

401.4 Conservation Subdivision Design Overlay District -- Developer's Option

The Optional Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. Based on the request of the Developer, the District shall apply to all areas of the Township in Districts where residential development is permitted, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of §601 shall apply.

401.5 Appalachian Trail Overlay District

The Appalachian Trail Overlay District is hereby created to be defined by the area within one thousand (1,000) feet on each side of the centerline of the Appalachian Trail as it is designated by the Appalachian Trail Conference. The intent of the District is to provide a buffer from incompatible uses along the Trail while recognizing that the Trail crosses private lands where reasonable uses must be permitted. In addition to all other applicable standards of this Zoning Ordinance, the following requirements shall apply:

- A. Buffer - Structures shall be prohibited within one hundred (100) feet of the Trail corridor owned by the National Park Service. Any structure permitted by variance within the buffer shall be screened in accord with §701.1. (See definition of *screened*.)
- B. Existing Vegetation - Vegetation in the buffer shall not be disturbed except for maintenance purposes, the correction of hazardous conditions or the removal of invasive species, or as otherwise approved by the Township as part of a landscape or open space plan. Trees may be harvested to the extent that the basal area of trees in the buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.
- C. Conditional Use - With the exception of forestry enterprises, any nonresidential use which is not otherwise classified as a conditional use, special exception or accessory use, and which is located within one thousand (1,000) feet of the centerline of the Trail, shall be considered a conditional use. All such uses shall be considered in terms of effects on the Trail and the Board of Supervisors shall attach such conditions deemed reasonable and

necessary to afford protection to the trail.

401.6 Wellhead Protection Overlay District

The Wellhead Protection Overlay District is hereby created to provide protection for any public water supply well regulated under the Safe Drinking Water Act, whether such well was in existence prior to the adoption of this Ordinance or is developed thereafter. In addition to all other applicable standards of this Zoning Ordinance, the wellhead regulations in §707 shall apply in the Wellhead Protection Overlay District.

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Eldred Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Monroe County Recorder of Deed's Office and on the Monroe County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.

403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this Zoning Ordinance. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

404 District Regulations

District regulations are of two types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

404.1 Use Regulations

District Use Regulations are provided in the following Schedule of Uses.

- A. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and then only in accord with all other requirements of this

Ordinance. If a use which could be included in a more general uses is listed as a separate use in any District Schedule of Uses , such use shall be permitted only in the district where it is specifically listed. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.

404.2 Uses Not Specified in Schedule of Uses

- 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 of Use 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.

404.3 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other Ordinance sections.