

MUST REVIEW ITEMS IN RED**ARTICLE IV
DISTRICT REGULATIONS****§500-13 Designation of Districts**

A. Designation. For the purposes of this chapter, Jim Thorpe Borough is hereby divided into the following Zoning Districts:

R-1	Low-Density Residential	C-1	Neighborhood Commercial
R-2	Medium-Density Residential	C-2	General Commercial
R-3	Medium-High Density Residential	C-3	Local Commercial
R-4	High-Density Residential	I	Industrial
		S	Special

B. District Intent.

- (1) R-1 Low Density Residential District. To provide an area primarily for low-density residential development, and certain nonresidential activities requiring larger land areas, and which are controlled with performance standards to maintain in-keeping-with the predominantly residential character of the area.
- (2) R-2 Medium Density Residential District. To provide an area of medium- or moderate-density residential uses in those areas where public services, including water and sewer service, are available, together with compatible uses intended for the convenience of residents; and to provide a judicious mixture of such uses without overcrowding the land or causing any use to suffer; and, to allow certain nonresidential activities requiring larger land areas, and which are controlled with performance standards to maintain the predominantly residential character of the area.
- (3) R-3 Medium-High Density Residential District. To provide an area of residential development at medium-to-high density, depending on the availability of public services, including municipal sewer and water services to specific sites. Lot sizes may be decreased to allow for reconstruction of buildings compatible with the area on lots which have these public services available.
- (4) R-4 High-Density Residential District. To provide an area of high-residential density integrated with other uses compatible with the residential character of the area, including municipal sewer and water service. Lot sizes may be decreased to allow for reconstruction of structures on lots where these services are available.
- (5) C-1 Neighborhood Commercial District. To provide areas of limited commercial uses and establishments integrated and organized in such manner as to promote and provide a safe, efficient, and attractive shopping area with provisions for off-street parking wherever possible.
- (6) C-2 General Commercial District. To provide for areas of integration of high-density residential uses and general commercial uses in an orderly and harmonious fashion; and to provide for a district of integrated civic and commercial uses while encouraging the maintenance and preservation of the historic features of the area. Lot sizes may be reduced to provide for reconstruction, consistent with existing structures, where essential services such as municipal water and sewer facilities are available.
- (7) C-3 Local Commercial District. To provide for areas of integration of high-density residential uses and local commercial uses in an orderly and harmonious fashion; and to provide for a district of integrated civic and commercial uses while encouraging the maintenance and preservation of the historic features

of the area. Lot sizes may be reduced to provide for reconstruction, consistent with existing structures, where essential services such as municipal water and sewer facilities are available.

- (8) I Industrial District. To provide for an area of industrial development separate and identifiable from the residential areas of the community where light industrial and general commercial development may be specifically encouraged.
- (9) S Special District. To allow use of the land in a manner which will not detract from the natural setting and recreational public use of the Mauch Chunk Watershed. For this reason, development of the area will be restricted to reduce the probability of pollution.
- C. Floodplain Overlay District. The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the 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 for the Borough. In addition to all other applicable standards of this chapter, Chapter 240 - Floodplain Management shall apply in the Floodplain Overlay District.

Not really an overlay district – listed as a conditional use in Schedule of Uses.

~~D. 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 Borough. Based on the request of the Developer, the Overlay District shall apply in _____ Districts, and in addition to all the applicable standards of this chapter, the requirements of Article VI Part 1 shall apply.~~

§500-14 Official Zoning Map

- A. Adoption. The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Jim Thorpe Borough which is hereby adopted by reference and declared to be a part of this chapter together with all amendments thereto.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified by the Municipalities Planning Code.

§500-15 District Boundaries

- A. 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 County Recorder of Deeds Office and on the County Tax Maps at the time of the enactment of this chapter, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.
- B. 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 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.

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

§500-16 District Regulations

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

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

(1) Limitations

- (a) 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 only in accord with all other requirements of this chapter. In other words, any use not allowed as a principal permitted use, accessory use, conditional use or special exception, or allowed by the Zoning Hearing Board in accord with §500-16B within a particular zoning district, shall be deemed to be prohibited within that zoning district.
- (b) If a use which could be included in a more general use 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.
- (c) Larger lot sizes, greater setbacks, buffers, and other more restrictive standards may be required by other provisions of this chapter.

- (2) Principal Permitted Uses and Accessory Uses. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this chapter.

- (3) Conditional Uses and Special Exceptions. Conditional uses and special exceptions are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Borough Council and Zoning Hearing Board, respectively. Following a public hearing and based on its determination that the proposed use meets the standards of this chapter, the Borough Council for conditional uses and the Zoning Hearing Board for special exceptions shall approve the issuance of a zoning permit by the Zoning Officer.

- B. Uses Not Specified in Schedule of Uses. This §500-16B, by special exception, refers to the Zoning Hearing Board a proposed use which is not specifically listed in the schedule of uses of any of the various zoning districts established under this chapter. The intent is to address a use which was not anticipated at the time this chapter was adopted and is not allowed anywhere in the Borough. If a proposed use is listed in the schedule of uses for another district, this §500-16B shall not be applied to allow the use in a district where it is not listed.

- (1) Jurisdiction. Whenever an application is made to the Zoning Officer for such a 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.
- (2) 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:

- (a) The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 - (b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this chapter.
 - (c) The use is not permitted in any other zoning district in the Borough.
 - (d) The use where proposed would be consistent with the Borough Comprehensive Plan.
- (3) 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 Borough Planning Commission for review and recommendation.
- (4) 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 chapter 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 chapter and the Pennsylvania Municipalities Planning Code.

§500-17 Schedule of Uses and Schedule of Development Standards

SCHEDULE OF USES										
Listed uses shall only be permitted in the noted districts and shall not be included in a more general use classification. P - Permitted by right (Zoning Officer). C - Conditional use (Planning Commission/ Borough Council). N - Not permitted. SE - Special exception use (Planning Commission/Zoning Hearing Board). Section references are in addition to all other applicable standards.										
Types of Uses (See definitions in Article III)	See §500-	Zoning Districts								
		R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	S
RESIDENTIAL										
Assisted living facility	-	P	P	??	??	??	??	??	??	??
Boarding house or lodging house	-	N	N	N	N	S	N	N	N	N
Conservation subdivision design (developer's option)	-	C	C	N	N	N	N	N	N	C
Cottage development (developer's option)	-	C	C	N	N	N	N	N	N	C
Dormitory	-	C	C	N	N	N	N	N	N	N
DWELLINGS										
Apartment house	-	N	N	P	P	N	P	P	N	N
Garden apartment	-	N	P	P	P	N	N	N	N	N
Manufactured housing park	-	N	C	N	N	N	N	N	N	N
Residential conversion unit (if otherwise permitted)	-	N	S	S	S	N	S	S	N	N
Single-family detached dwelling	-	P	P	P	P	P	S	S	<u>N</u>	<u>P</u>
Townhouse	-	N	P	P	P	N	N	N	N	N
Two-family dwelling	-	N	N	P	P	P	P	P	N	N
Upper floors of nonresidential use	-	N	N	P	P	N	P	P	N	N
Fraternity house	-	C	C	N	N	N	N	N	N	N

RESIDENTIAL										
Types of Uses	\$500-	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	S
Group home	-	P	P	P	P	P	P	N	N	P
Group care facility, large	-	N	N	S	S	N	S	N	N	N
Religious quarters	-	same as applicable dwelling type								
Sorority house	-	C	C	N	N	N	N	N	N	N
COMMERCIAL										
Types of Uses	\$500-	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	S
Adult business	-	N	N	N	N	N	N	N	C	N
Amusement arcade	-	N	N	N	N	N	P	P	N	N
Amusement park	-	N	N	N	N	N	N	N	N	C
Animal hospital		see veterinary clinic								
Animal shelter	-	N	N	N	N	N	N	N	N	C
Archery range, indoor commercial		see recreation facility, commercial								
Archery range, outdoor commercial	-	N	N	N	N	N	N	N	N	P
Auction house	-	N	N	N	N	N	P	N	N	N
Bakeries and confectioneries, retail	-	N	N	P	P	P	P	P	N	N
Bank	-	N	N	P	P	P	P	P	N	N
Bed and breakfast inn	-	N	N	P	P	P	P	P	N	P
Billiard hall		see recreation facility, commercial								
Brew pub/distillery pub/winery pub		see restaurant according to type								
Bus station	-	N	N	N	N	N	P	N	N	N
Bus, limousine, or taxi terminal	-	N	N	N	N	N	C	N	P	N
Business office	-	N	N	N	N	P	P	P	P	N
Business services	-	N	N	N	N	P	P	P	P	N
Camp/retreat		N	N	N	N	N	N	N	N	P
Campground/recreational vehicle park	-	N	N	N	N	N	N	N	N	C
Car wash	-	N	N	N	N	P	P	N	N	N
Catering service	-	N	N	N	N	P	P	P	N	N
Charging station	-	N	N	N	N	P	P	P	N	N
Conference center	-	N	N	N	N	N	P	N	N	N
Convenience store	-	N	N	C	N	P	P	P	N	N
Country club	-	P	P	N	N	N	N	N	N	P
Crematorium	-	N	N	N	N	N	C	N	C	N
Day care center (see accessory uses for day care, home)	-	N	N	P	N	P	P	N	N	N
Drive-in for uses allowed in district	-	N	N	N	N	C	C	N	N	N
Exercise club	-	N	N	N	N	P	P	P	N	N
Farmers market	-	N	N	N	N	P	P	P	N	P
Fireworks (consumer) sales		N	N	N	N	P	P	P	C	N
Flea market, indoor		see retail business								
Flea market, outdoor	-	N	N	N	N	N	N	N	C	??

COMMERCIAL										
Types of Uses	\$500-	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	S
Funeral home	-	N	P	P	N	P	P	N	N	N
Gaming establishment	-	N	N	N	N	P	P	N	N	<u>N</u>
Garden center, retail	-	N	N	N	N	<u>N</u>	P	N	N	C
Golf course	<i>see recreation facility, commercial</i>									
Golf course, miniature	<i>see recreation facility, commercial</i>									
Golf driving range	<i>see recreation facility, commercial</i>									
Hookah bar/smoking lounge	-	N	N	N	N	P	P	N	N	N
Hotel	-	N	<u>C</u>	N	<u>P</u>	N	N	P	N	N
Kennel	-	C	C	N	N	N	N	N	N	N
Lumberyard	-	N	N	N	N	N	N	N	P	N
Manufactured housing sales	<i>see vehicle and equipment sales</i>									
Massage facility, therapeutic	<i>see service establishment</i>									
Medical clinic	-	N	P	N	N	P	P	N	N	N
Medical marijuana dispensary (pending ordinance)	-									
Medical marijuana grower/processor (pending ord)	-									
Meeting, assembly, or banquet hall	-	N	P	P	N	P	P	P	N	N
Menagerie	-	N	N	N	N	N	N	N	N	C
Mobile food service or sales operations	<i>see Chapter 333 (Peddling and Soliciting) ????</i>									
Motel	-	N	P	N	N	N	N	P	N	N
Nightclub	-	N	N	P	P	P	P	P	N	N
Off-track wagering facility	<i>see gaming establishment</i>									
Office or office building	-	N	N	P	N	P	P	P	N	N
Outdoor entertainment	-	N	N	N	N	C	C	C	N	N
Outdoor operations or storage	<i>see §500-62</i>									
Parking garage or lot as the principal use of a lot	-	N	N	N	N	N	N	C	P	N
Professional offices	-	N	N	P	P	P	P	P	N	N
Racetrack		N	C	N	N	N	N	N	N	N
Recreation facility, commercial (not otherwise listed)	-	N	C	N	N	N	N	N	N	N
Recreational vehicle park	<i>see campground or recreational vehicle park</i>									
Resort	-	N	N	N	N					
Restaurant	-	N	N	P	P	P	P	P	N	N
Retail business (not otherwise listed)	-	N	N	N	N	P	P	P	P	N
Retail home heating fuel distributor 20,000 gallons or less storage	-	N	N	N	N	N	N	N	P	N
Retail home heating fuel distributor more than 20,000 gallons storage	<i>see bulk fuel storage facility</i>									
Self-storage facility	-	N	N	N	N	P	P	<u>N</u>	P	N
Service establishment	-	N	N	P	N	P	P	P	N	N
Shooting range, indoor commercial	-	N	N	N	N	N	C	N	C	N
Shooting range, outdoor commercial	-	N	C	N	N	N	N	N	N	N