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PART 1

ENACTMENT OF ZONING ORDINANCE

§27-101. Adoption of Zoning Ordinance; Zoning Map.

1. This Chapter is and shall be designated and cited as “Zoning Ordinance (1967)” of the Borough of Wilmerding, Allegheny County, Pennsylvania.
2. The map, accompanying and being an integral part of this Chapter, is and shall be designated and cited as “Zoning Map (1967).”

(Ord. 729, 11/13/1967, §1)

PART 2

DEFINITIONS

§27-201. Definitions.

The following words or phrases, when used in this Chapter, shall have the meaning ascribed to them in this section, except and unless the context indicates a different meaning:

ACCESSORY STRUCTURE - a detached subordinate structure, the use of which is clearly incidental to the main structure or to the use of the land, such as a private garage, or, a structure for the cultivation of plants as an avocation of occupants of the premises, or, a cottage for the housing of domestic help, or a residential swimming pool.

ACCESSORY USE - a subordinate use which is clearly incidental and related to the use of the main structure or the use of the land.

ALTERATION - a revision of the structure of a building by removing structural members or adding structural members if the total affected area of the building is five percent (5%) or more of the total area of the building.

BUILDING - a structure having a roof supported by columns or walls, for the housing of persons, animals or chattels.

BUILDING HEIGHT - the total number of stories in a building, and the vertical distance measured from the mean level of the land immediately adjacent to the building, to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable or hip or gambrel or pent roofs.

BUILDING LINE - the outside wall of the structure, including bay windows, sun-parlors, porches, dormers, second floor projections and solid entrances.

BUILDING PERMIT - a permit issued by the building inspector of the Borough based upon an application and supporting data which permits the erection, alteration, reconstruction, repair or replacement of a building or structure.

BUSINESS - a use constituting a venture or enterprise for the conduct of trade, barter, and/or commerce, whether or not for profit, including the maintenance and operation of a private school, beauty parlor, private sanitorium, health institute, clinic or hospital, nursing home, lodging house, boarding house, or any other similar and like use, including but not limited to the employment of any assistance, use of mechanical equipment, odor or nuisance, noticeable noise, the display or storage for sale of goods, signs, advertisement of commodities or services.

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CHURCH - a regular place of stated worship, a building set apart or consecrated for public, religious worship; together with the ground thereto annexed, necessary for the occupancy and enjoyment of the same.

COUNCIL - the Council of the Borough of Wilmerding, Allegheny County, Pennsylvania.

COURT - an open, unoccupied and unobstructed space on a lot, other than a yard, street or way, bounded by two (2) or more sides of a building, including similar area fully open to the sky but not necessarily beginning at the ground level.

DWELLING - a building designed for and used exclusively for the residential occupancy or home of one (1) family, but not apartment hotels, hospitals, hotels, boarding houses, institutional homes, residential clubs, rooming houses, tourists courts, trailers and the like.

DWELLING CELLAR - any building wherein half the average height of rooms intended for human occupancy, other than game rooms and similar special rooms is below grade level.

DWELLING SINGLE FAMILY - a detached residence designed for or occupied by one (1) family only.

DWELLING TWO FAMILY - a detached residence designed for or occupied by two (2) families living independent of each other.

DWELLING MULTIPLE - a building or portion thereof, designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

DWELLING ROW - a multiple-family dwelling divided by party walls or partition walls into rows of three (3) or more distinct and non-communicating parts.

FAMILY - either an individual or two (2) or more persons related by blood or marriage or adoption, or a group of not more than five (5) persons (not counting domestic servants) not related by blood or marriage or adoption, living as a household in one (1) dwelling unit. Domestic servants living within a household even though a separate family are to be considered as a part of the family of the maintainer of the household.

FRONTAGE - all the property, measured along the street line, or the front building set-back line, fronting on one (1) side of a street, between two (2) streets, or between a street and a right-of-way or water way, or the end of a dead end street, or the Borough boundary.

GARAGE - a structure, or any portion thereof, in which one (1) or more automobiles owned or used by occupants of the premises, are housed, stored or kept.

HOTEL - a building containing rooms which are used, rented or hired out to guests for sleeping purposes, and where only a general kitchen and dining room are provided within the building or in an accessory building.

JUNK YARD - the use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins the street for storage keeping, or abandonment of junk including but not limited to scrap metals, or other scrap materials, for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

LOT - a plot of ground which is or can be used for the erection of a building and which is an entity either having separate ownership from adjoining lots of ground or separate numbering in a plan of lots duly recorded and which has access on or from a public street.

LOT, BUILDING AREA OF - that portion of a zoning lot bounded by the required front and rear and side yards.

LOT, BUILDING LINE OF - the lines that bound the buildable area of the zoning lot, including front and rear and side building lines.

LOT, CORNER - a lot situated at and abutting the intersection of two (2) streets, having an interior angle or intersection not greater than one hundred thirty-five degrees (135°).

LOT, DEPTH - the distance between the front and rear lot lines measured along the median between two (2) side lot lines.

LOT, INTERIOR - a lot other than a corner lot.

LOT LINE - the property line or dividing line defining two (2) separate lots and demarking separate ownership or separate numbering between the two properties.

LOT, RECORDED - a lot designated on a plat or subdivision duly recorded pursuant to statute in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

LOT, THROUGH - an interior lot, the front and rear lines of which abut streets.

LOT, WIDTH - the distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement.

LOT, ZONING - a lot, occupied or unoccupied by a principal building or structure and/or accessory structures, fronting upon a public street or a street in a plan of land subdivision approved by the Council, and having such open spaces thereon as are required by this Chapter for one of the uses permitted in the Zoning Use District in which it is located.

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MOTEL - a building with or without party walls or any group of buildings used primarily for sheltering of transients and permanent dwellers, and any accessory uses such as feeding, parking, selling of soft drinks and rations.

NONCONFORMING SIGN - a sign, lawfully existing at the time of enactment of this Chapter which does not completely conform to the sign requirements applicable in the Zoning Use District in which it is located.

NONCONFORMING STRUCTURE - a structure or portion thereof lawfully existing at the time of the enacting of this Chapter which was erected or altered for a use that does not completely conform to the Zoning Use Regulations applicable in the Zoning Use District in which it is located.

NONCONFORMING USE - a use of a structure or land lawfully existing at the time of the enactment of this Chapter, which does not completely conform to the Zoning Use Regulations, applicable in the Zoning Use District in which it is located.

PARKING SPACE - a space on a parking area, not less than one hundred eighty (180) square feet in area exclusive of drives and access lanes, reserved for the parking of only one (1) automobile.

PLAT - a plot plan of a property prepared for the purpose of showing property lines, building lines, buildable area of lot and existing or proposed buildings or structures, located on the property.

PORCH - a structure having a roof, but open front and side walls (except rails or parapets) used as an entry to a house or for outdoor living.

PROPERTY - any land not included within the definitions of STREET or WAY.

RECONSTRUCTION - the revision of the structure of a building by removing or replacing structural members in a building of the total affected area of the building which is forty percent (40%) or more of the total area of the building.

REPAIR - the removal and replacement of any portion of a building if the total affected area of the building is five percent (5%) or more of the total area of the building.

REPLACEMENT - the rebuilding of the structure of a building which has been removed or demolished or destroyed.

RIGHT-OF-WAY - a strip of land upon which is or may be constructed utility lines or watercourses or other permitted appurtenances or which may be used for pedestrian or vehicular travel.

SCHOOL - a place or institution for teaching; an establishment for learning; the buildings, classrooms and laboratories constituting the same, together with the ground annexed thereto, necessary for the occupancy and enjoyment of the same; wherein and whereon are conducted regular sessions with regularly employed instructors, or weekly sessions, for those subjects that are fundamental and

essential in general education, and/or religious instruction, operated not for private profit and under the supervision of a lawfully constituted ecclesiastical governing body, or under the supervision of the Commonwealth of Pennsylvania.

SERVICE STATION - any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means.

SIGN BUSINESS - a sign which directs attention to a business, profession or industry located upon the same premises where the sign is being displayed, and to type of products sold, manufactured or assembled.

SIGN, IDENTIFICATION - a sign used to identify only the name of the individual and/or nature of the activities of an institution occupying the premises upon which it is displayed.

SIGN, BULLETIN BOARD CHURCH - an identification sign used to indicate the services or activities of a church, cathedral or temple, attached to the building, or elsewhere on the premises, including the name of the church, cathedral or temple if desired.

SIGN, NAME PLATE - an identification sign in the form of a lettered plate indicating only the name, or the names, street number and profession of the occupant of the premises, or the name of the estate.

SIGN, REAL ESTATE - a sign appertaining only to the rental, lease or sale of the lot or premises on which it is displayed.

SPECIAL EXCEPTION - a modification of the regulations of this Chapter which the Zoning Hearing Board is permitted to authorize in specific instances listed, under terms listed, under terms and procedure, and with the conditions prescribed herein.

STREET - a strip of land upon which is or may be constructed a pavement for vehicular or pedestrian travel together with utility lines or other permitted appurtenances.

STRUCTURE - anything constructed or erected the use of which requires, directly or indirectly, a permanent location on the land, and which requires for stability an application of the materials and forces of nature.

STRUCTURAL ALTERATION - any change which would tend to prolong the life of the supporting members of a structure, such as bearing walls, columns, beams or girders, or change their character or location.

STRUCTURE, HEIGHT OF OTHER THAN A BUILDING - the vertical distance measured from the mean level of adjacent ground to the highest point of the structure.

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SWIMMING POOLS - a residential swimming pool located on a single-family residential lot, the construction and operation of which is regulated by ordinance of the Borough.

VARIANCE - a modification of the literal provisions of this Chapter which the Board of Adjustment is permitted to grant when strict enforcement of said provisions would cause undo hardship owing to circumstances unique to the individual property on which the variance is sought.

WAY - a strip of land less than twenty-five feet (25') wide, which provides access to property, public or in a plan of land subdivision approved by the Planning Commission and Council, the boundary lot of which include the roadways and/or sidewalk area.

YARD - an open, unoccupied and unobstructed space on a lot, other than a court, from the ground to the sky.

YARD, FRONT - a yard extending across the full width of the lot and abutting the front lot line, the required depth of which yard is a prescribed minimum distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR - a yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE - a yard extending from the front yard or front lot line where no front yard is required, to the rear yard or rear lot line when no rear yard is required, and abutting on a side lot line; the required width of which yard is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot.

(Ord. 729, 11/13/1967, §2.1)

PART 3

ESTABLISHMENT OF DISTRICTS

§27-301. Establishment of Districts.

For the purpose of this Chapter, this municipality is hereby divided into the following districts:

The initials designated hereinafter as representing the district may be used in referring to said districts.

- A. Low Density Residential (R-1)
- B. Medium Density Residential (R-2)
- C. High Density Residential (R-3)
- D. Central Commercial (C-1)
- E. Neighborhood and Local Commercial (C-2)
- F. Industrial (M-1)

(Ord. 729, 11/13/1967, §31)

§27-302. Map Designation of District.

1. **Map.** The aforesaid districts are bounded and defined on the previously designated map entitled: Zoning Map of the Borough of Wilmerding, Pennsylvania, which accompanies and is made a part of this Chapter.
2. **Boundary Determination.** Where uncertainty exists with respect to the boundaries of any district as shown on the Zoning Map, the following rules shall apply:
 - A. Where such boundaries are indicated as approximately following center lines of roads, railroad, streams, parks or reservations, such lines shall be construed to be such boundaries.
 - B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
 - C. In subdivided land or where district boundaries do not follow lot lines or are not indicated by dimensions shown on the map, said boundaries shall be determined by the use of the scale appearing thereon.

(Ord. 729, 11/13/1967, §32)

PART 4

APPLICATION OF REGULATIONS

§27-401. Application of Regulations.

Except as hereinafter specifically provided, the following shall govern the application of regulations.

1. **Use of Land or Buildings.** No building shall be erected, and no existing building shall be altered, added to, or moved onto a lot, nor shall any land or building be used or arranged to be used for any purpose other than is included among the uses listed in Part 6 for the district in which it is located.
2. **Building Height.** No building shall hereafter be erected or altered to exceed in height the limit designated in Part 6 for the district in which it is located.
3. **Space and Area Regulations.** No building shall hereafter be erected nor shall any existing buildings be altered, enlarged or moved, nor shall any open space contiguous to any building or any required parking or loading areas be encroached upon, or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, and other space and area regulations designated in said schedule, unless such reduction or encroachment is by duly constituted authority for a public purpose.
4. **Yard as Related to Building.** No part of a yard or other open space as a required appurtenance to any building for the purpose of complying with the provisions of this Chapter, shall be included as a part of a yard or other open space required for any other building on any other lot.
5. **Maintenance of Lot Size.** No lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, or other requirements of this Chapter are not maintained, unless such reduction is by duly constituted authority for a public purpose.

(Ord. 729, 11/13/1967, §41)

PART 5

SUPPLEMENTARY REGULATIONS

§27-501. Supplementary Regulations.

1. Off-Street Parking and Loading.

A. Required for All New Buildings and Uses. Except in the Central Commercial (C-1) District for every building hereafter erected or altered, or use hereafter established, there shall be provided off-street parking and loading area as set forth in this section. Such areas, together with access and turning areas shall be paved. Sufficient off-street parking and loading areas shall be provided to satisfy requirements of normal conditions. All such space provided shall be located on the same lot with the building except that the Zoning Hearing Board may permit parking space to be located on any lot wholly within three hundred feet (300') of the building if it determines it is impractical to provide space on the same lot with the building. No such space shall be located in Residential Districts.

B. Required Off-Street Parking Units

(1) Parking Unit—Each off-street parking unit shall be a space not less than one hundred eighty (180'²) square feet which is not included in any access or turning areas. Parking spaces shall not be located within the front yard area of Residential Zoning Districts. Driveways and entrances to integral garages are permitted in the front yard area.

(2) Units Required

(a) For each family unit - one (1) space.

(b) For each two (2) roomers or boarders - one (1) space.

(c) For each room offered for tourist accommodations - one (1) space.

(d) For each professional person maintaining office hours in his own home - three (3) spaces.

(e) For each home occupation - one (1) space

(f) For each theater, auditorium, church, stadium, hall or other place or public assembly - one (1) space for each three (3) units of seating capacity.

(g) For rentable office space - one (1) space, plus one (1) space for each four hundred (400'²) square feet of rental floor space.

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- (h) For each rectory, parsonage or church office - two (2) spaces plus one space for each employee.
- (i) For retail or personal service use - one (1) space for each three hundred fifty (350'²) square feet of usable retail or service floor area.
- (j) For restaurants or other places serving beverages, rations or refreshments - one (1) space for each three (3) seats.
- (k) For mortician or funeral home - ten (10) spaces
- (l) For motor vehicle sales rooms, garages, repair shops - one (1) space for each five hundred (500'²) square feet of floor space.
- (m) For industrial or warehouses uses - one (1) space for each three (3) employees anticipated on the premises at time of maximum employment.
- (n) For hospitals or nursing homes - one (1) space for each two (2) beds.
- (o) For bowling alleys - five (5) spaces per alley.
- (p) For drive-in uses and roadside stands - ten (10) spaces.

C. Required Off-Street Loading Units

- (1) Loading Unit. Each off-street loading unit shall be a space of twelve feet (12') wide, fifteen feet (15') high and twenty-five feet (25') long exclusive of access and turning area which may be located within a required off-street parking area, provided it does not bar access to such parking area.
- (2) Units Required
 - (a) For retail or personal service use one (1) unit for each ten thousand (10,000'²) square feet of floor area devoted to merchandising.
 - (b) For wholesale merchandising, storage or processing - one (1) unit for each ten thousand (10,000'²) square feet of floor area)
 - (c) For industrial use as follows
 - 2,400 - 20,000 sq. ft. - 1 space
 - 20,001 - 50,000 sq. ft. - 2 spaces
 - 50,001 - 80,000 sq. ft. - 3 spaces
 - 80,001 - 120,000 sq. ft. - 4 spaces
 - 120,001 - 160,000 sq. ft. - 5 spaces
 - 160,001 - 200,000 sq. ft. - 6 spaces
 - 200,001 - 250,000 sq. ft. - 7 spaces

D. Off Street Parking and Loading for Uses Not Specifically Mentioned

The requirements for off-street parking and district loading facilities shall apply to any similar use not specifically mentioned. In such case the applicant must apply to the Zoning Hearing Board for an interpretation of the provisions of the ordinance for such off-street loading requirements and the Zoning Hearing Board shall render a decision in writing in accordance with the provisions of this Chapter.

2. **Yard Requirements** (applicable in all districts)

A. Exception to Yard Requirements. The following may project into required yards.

- (1) Steps or stoops not exceeding twenty-four (24'²) square feet in area.
- (2) Eaves, Cornices and Belt Courses not exceeding four (4') feet six inches (6").

3. **Area Requirements** (applicable in all districts)

A. Area Measurements. For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than three (3) times the average width of the lot may be utilized in calculations.

B. Parking Lots. Off-lot parking areas approved by the Zoning Hearing Board to meet the requirements of this Part shall not be used for other purposes, or be severed in ownership, without the approval of the Zoning Hearing Board.

C. Fences, Walls and Hedges. Except as provided in the next paragraph, the yard requirements of this Part shall not be deemed to prohibit any otherwise lawful fence, hedge, or wall, provided that in any Residence District, no fence, hedge, or wall shall exceed four feet (4') in height in any front yard, five feet (5') in any side yard and six feet (6') in any rear yard. [Ord. 899]

D. Visibility at Intersections. On a corner lot in any District no structure, fence, wall, hedge or other planting shall be erected or allowed to grow, be placed or maintained at a height of more than two and one-half feet (2-1/2') above the curb line joining said street lines at points twenty feet (20') from their point of intersection.

4. **Height Requirements** (applicable in all districts)

A. Height Measurement. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to

- (1) In case of flat roof structures - Highest point of coping.
- (2) In case of mansard roof structures - deck line of roof.

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- (3) In case of gable or hipped roof - average height of roof.
- B. **Height Exceptions.** The height limitation of this Part shall not apply to flag poles, church spires, belfries or domes, or to chimneys, ventilators, sky lights, water tanks, public utility facilities, bulk heads, antenna and other necessary mechanical apparatus usually carried above the roof level.
5. **Rear Dwellings.** No building in the rear of a main building on the same lot may be used for residential purposes.
6. **Service Stations and Other Drive-in Uses.** A station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles and other drive-in uses, shall meet the following additional requirements
 - A. No street entrance or exit for vehicles, and no portion or equipment of such service station or other drive-in uses shall be located
 - (1) Within two hundred feet (200') of a street entrance or exit of any school, park, or playground conducted for and attended by children,
 - (2) Within one hundred feet (100') of any hospital, church, or public library.
 - (3) Within seventy-five feet (75') of a lot in a Residential District as established in this Chapter.
 - B. No equipment above surface of ground for the service of motor vehicles shall be closer than twenty feet (20') to any street line or highway or closer than thirty feet (30') to any property line.
 - C. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty feet (30') at its intersection with the curb or street line.
 - D. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within twenty-four feet (24') of each other at their intersection with the curb or street line.
7. **Group Housing.** In cases where group housing, comprising two (2) or more dwelling units constructed on a plot of ground, which has not been subdivided into the customary lots and streets and which will not be so divided, or where the existing or contemplated street and lot layout make it so impractical to apply the requirements of this Part to the individual building units in such group housing, the application of the terms of this Part may be varied by the Zoning Hearing Board in a manner which will be in harmony with character of the neighborhood. However, in no cases shall the Zoning Hearing Board authorize a use prohibited in the district in which the housing is to be located.
8. **Temporary Permits.** A temporary permit may be authorized by the Zoning Hearing Board for a period not to exceed one (1) year, for nonconforming uses incidental to housing and construction projects and including, but not limited to

such structures and uses as storage of building supplies, machinery or a real estate office located on the tract being offered for sale provided such permits are issued only upon agreement by the owner to remove the structure or structures upon the final expiration of the permit and discontinue the use or uses. Such permit may be annually renewed for an additional period of one (1) year.

9. **House Trailers and Trailer Courts** - House Trailers and Trailer Courts Mobilehomes and Mobilehome Parks are prohibited in all Zoning Districts. [*Ord. 899*]

(*Ord. 729*, 11/13/1967, §51; as amended by *Ord. 899*, 11/14/1989)

§27-502 Mandatory Removal of Temporary Signs.

1. For purposes of this Part, the following terms shall have the meanings set forth herein.

SIGN - any poster, notice, placard, board or display intended to carry a message of any kind, or to advertise an event, person, place or thing.

TEMPORARY - a sign for which no permanent permit is required under the ordinances and regulations of Wilmerding Borough.

PERSON - an individual, committee, corporation, association, partnership or any other legal entity.

2. No person shall post, erect or cause to post or erect any temporary sign in any public place or right-of-way in the Borough of Wilmerding except in compliance with this Part.
3. It shall be presumed that the person who advertised, promoted or is depicted on the temporary sign, is the person who benefited from display of the temporary sign and was the person who erected or caused to be erected such temporary sign. Such benefited person shall be bound by the provisions of this Part.
4. Every person who desires to erect a temporary sign must first apply for and obtain a temporary sign permit from the Building Inspector at the Borough Municipal Building and complete and execute in full an application form to be provided. A sample of the notice or sign must be delivered to the Building Inspector. A fee of \$25 must be paid to the Borough.
5. Within 30 days following the event or the time established by the Building Inspector for the removal of such temporary signs, all such temporary signs must be removed. After the applicant has removed all such signs on his written affirmation that they have been removed, the \$25 charge shall be refunded. However, prior to making the refund, the Building Inspector shall first ascertain that all such signs have in fact been removed.
6. If no application for refund is made or the temporary signs have not been removed within the time lines established by the Building Inspector, the Building

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Inspector shall forfeit the \$25 charge and it shall be transferred to the General Fund. Notice of such determination shall be mailed by regular mail to such applicant at the address set forth in the application. This is not the exclusive remedy, and the Borough shall have the authority to prosecute under subsection (8) below.

7. Borough Council hereby determines that \$25 is a reasonable charge for the cost of Borough employees to remove all temporary signs.
8. For each violation of this Part the person found guilty shall be subject to a civil fine of \$100 for each temporary sign erected or which is allowed to remain in place in violation of this Part.

(*Ord. 729, 11/13/1967; as added by Ord. 980, 6/4/2002, §502*)

PART 6

ZONE DESIGNATION

§27-601. Zone Designation - Low Density Residential (R-1).

1. Principal - Permitted Uses.

- A. Single Family Dwellings
- B. Churches
- C. Public recreation buildings and uses

2. Accessory Uses Permitted.

- A. Accessory building such as tool or garden sheds, private garage for not more than three (3) cars, provided that any detached accessory structure shall not be less than ten feet (10') from the principal structure and must be constructed of the same material as the main building.
- B. Signs as hereafter provided are permitted.
 - (1) Real Estate signs relating to the prospective sale, rent or lease of the land provided that the total sign area on one (1) street frontage does not exceed four (4'²) square feet.
 - (2) Identification signs for public, charitable, educational and religious uses, one (1) sign not over twenty (20'²) square feet in area.
- C. Prohibited signs. Self illuminated sign and moving signs are not permitted. Political signs not permitted.

3. Special Permit Uses.

- A. Public Utility Substations or other facilities necessary to render adequate services.
 - (1) Lot shall be landscaped in keeping with the character of the neighborhood and there shall be no uncovered storage.
- B. Government Building and uses.

4. Lot and Yard Requirements.

- A. Minimum Lot Area - Forty thousand (40,000'²) square feet.
- B. Minimum Lot Width - Forty (40') feet.
 - (1) Corner Lot - Seventy-five (75') feet.

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- C. Minimum Lot Depth - One hundred (100'²) feet.
- D. Minimum Yards.
 - (1) Front Yard - Twenty (20') feet from road or Street right-of-way line.
 - (2) Rear Yard - Principal Building - Thirty (30') feet
Accessory Building - Seven (7') feet providing the rear of the lot abuts a public right-of-way, otherwise no restrictions.
 - (3) Side Yard. Fourteen (14') feet both sides - five (5') feet minimum side.
 - (a) Street Side on Corner Lot. Twenty-five (25') feet.
 - (b) Accessory Uses to the rear of a principal structure.
 - (i) Interior lot line - five (5') feet.
 - (ii) Street Side on Corner lot - twenty-five (25') feet.
- 5. **Maximum Building Height.** Twenty-eight feet (28') excepting that on a lot between two (2) existing dwellings, a dwelling may be erected to the average height of those existing.
- 6. **Maximum Lot Coverage -** Thirty five percent (35%).

(Ord. 729, 11/13/1967, §61)

§27-602. Zone Designation - Medium Density Residential (R-2).

- 1. Principal Permitted Uses.
 - A. Single Family Dwellings
 - B. Two Family Dwellings
 - C. Row Dwellings
 - D. Multiple Family Dwellings
 - E. Churches
 - F. Schools and educational institutions (public and private)
 - G. Public Recreation Buildings and uses,
 - H. Boarding houses and rooming houses for less than fifteen (15) roomers or boarders. [Ord. 922]

- I. Charitable Institutions.
- 2. Accessory Uses Permitted. Accessory buildings such as tool or garden sheds and private garages equal to the number of dwelling units on the zoning lot provided that any detached accessory structure shall be not less than ten feet (10') from the principal structure and must be constructed of the same material as the main building.
 - A. Home occupations
 - B. Signs as hereafter provided are permitted:
 - (1) Real Estate signs relating to the prospective sale, rent or lease of the land provided that the total sign on the one (1) street frontage does not exceed four (4'²) square feet.
 - (2) Identification signs for public, charitable, educational and religious uses, one (1) sign not over twenty (20'²) square feet in area.
 - (3) Signs directing and guiding traffic and parking on private property, but not bearing advertising matter.
 - (4) House numbers
 - (5) Name plates not exceeding two (2'²) square feet in area bearing only the resident's name.
 - C. Home Occupation
- 3. Special Permit Uses.
 - A. Government Building and uses
 - B. Public Utility Substations or other public facilities necessary to render adequate services
 - (1) Lot shall be landscaped in keeping with the character of the neighborhood and there shall be no uncovered storage.
 - C. Undertaking Establishments.
 - (1) Parking for not less than ten (10) cars shall be provided in approved off street spaces.
- 4. Lot and Yard Requirements.
 - A. Minimum Lot Area
 - (1) Single Family Dwelling 5,000 sq. ft.
 - (2) Two Family Dwelling 7,000 sq. ft.

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- | | | |
|-----|------------------------------------------------------------------------------------------|---------------|
| (3) | Row Dwelling | 1,500 sq. ft. |
| (4) | Multiple Dwellings | 1,250 sq. ft. |
| (5) | Churches, Schools, Recreation Buildings,
Boarding Houses, and Charitable Institutions | 9,000 sq. ft. |

B. Minimum Lot Width

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|--------|
| (1) | Single Family Dwelling - Fifty (50') ft. except on a corner lot where the minimum width shall not be less than seventy-five (75') feet, | |
| (2) | Two Family Dwelling - Sixty (60') ft. except on a corner lot where the minimum width shall not be less than seventy-five (75') feet. | |
| (3) | Row Dwelling, Two bedroom dwelling | 18 ft. |
| | three bedroom dwelling | 20 ft. |
| | and dwelling at end of row | 28 ft. |
| (4) | Multiple Family Dwelling, Churches, Schools,
Recreational Buildings, Boarding Houses, and
Charitable Institutions | 75 ft. |

C. Minimum Lot Depth

- | | | |
|-----|------------------------------------------------------------------------------------------|---------|
| (1) | Single Family Dwelling | 100 ft. |
| (2) | Two Family Dwelling | 100 ft. |
| (3) | Row Dwelling | 80 ft. |
| (4) | Multiple Family Dwelling, Churches, Schools,
Recreation Buildings and Boarding Houses | 120 ft. |

D. Minimum Yards

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------|--------|
| (1) | Front Yards | 25 ft. |
| (2) | Rear Yards - Thirty (30') ft. for Principal Building and fifteen (15') ft. for accessory, | |
| (3) | Side Yards - Single and Two Family Dwellings - twenty-five (25') ft. when abutting a street, eight (8') ft. when not abutting a street. | |

Row Dwelling -none, except that end row units shall have a minimum side yard of eight (8') ft.

Multiple Family Dwellings, Churches, Schools, Recreational Buildings Boarding Houses and Charitable Institutions, ten (10') ft.

Accessory Buildings - seven (7') ft. when not abutting a street,

twenty-five (25') ft. abutting a street.

5. Maximum Building Height - Thirty-five feet (35') or three (3) stories whichever is less.
6. Maximum Lot Coverage -
 - A. Single Family, Two family and Multiple family dwelling a 35%
 - B. All other buildings 40%

(Ord. 729, 11/13/1967, §62; as amended by Ord. 922, 11/12/1992, §1)

§27-603. Zone Designation-High Density Residential (R-3).

1. Principal Uses Permitted.
 - A. Undertaking Establishments
 - B. Apartments and other multiple dwellings
 - C. Charitable Institutions
 - D. Hospitals, rest homes, nursing homes
 - E. Professional Offices and Clinics
 - F. Private or Commercial Schools
2. Accessory Uses Permitted
 - A. Private garages equal to the number of dwelling units on the zoning lot,
 - B. Signs
 - (1) Real Estate signs relating to the prospective sale, rent or lease of the land that the total sign area on one (1) street frontage does not exceed four (4'²) square feet.
 - (2) Non-conforming uses - One (1) sign not larger than eight (8'²) square feet in area per street frontage.
 - (3) Signs directly related to the use of the premises as follows:
 - (a) One (1) sign not over eight (8'²) square feet in area, parallel to and flat against a wall of a building.
 - (b) One (1) other sign not over three (3'²) square feet in area parallel to and flat against the building.

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- (4) Self-illuminating signs or the use of flashing or intermittent lighting in connection with signs shall not be permitted.

3. Special Permit Uses.

- A. Public Utility substations or other facilities necessary to render adequate service.
- B. Government Buildings and Uses.
- C. Retail Business and Service Establishments when conducted entirely within the first floor of apartment buildings provided the entrance to the establishment opens from the interior of the building rather than the street.

4. Lot and Yard Requirements

- A. Minimum Lot Area - 12,500 sq. ft.
- B. Minimum Lot Width - 70 ft., a corner lot - 80 ft.
- C. Minimum Lot Depth - 150 ft.
- D. Minimum Lot Area - 1,000 sq.ft. per dwelling unit, to and including three stories building height and 900 sq. ft. per dwelling unit located four stories and above. Minimum Lot Area for each Commercial Use - 1,000 sq. ft.
- E. Minimum Yards - In this district the minimum yard requirements shall be as follows:
 - (1) Front yard - Twenty five (25') ft. plus whichever of the following results in the greatest dimension.
 - (a) Three (3') feet for each story over two and one-half (2-1/2) stories.
 - (b) One ft. (1') for each three feet (3') or fraction thereof of building height over thirty-five feet (35').
 - (2) Rear yard - Principal building thirty feet. (30') plus whichever of the following results in the greatest dimension.
 - (a) Three feet (3') for each story over two and one-half (2-1/2) stories.
 - (b) One (1) floor for each three feet (3') or fraction thereof or building height over thirty-five feet (35')
 - (3) Rear Yard - Accessory Building - five feet (5')
 - (4) Side Yard - Seven feet (7') minimum on each side of structure except

where abutting a street plus whichever of the following results in the greatest dimension.

- (a) Three feet (3') for each story over two and one-half (2-1/2) stories.
- (b) One foot (1') for each three feet (3') over thirty-five feet. (35').
- (5) Side Yard-Street side on corner lot.
 - (a) The minimum yard shall not be less than the building line required on the side street.
- (6) Side Yard - Accessory use at rear of principal structure.
 - (a) Interior lot line - five feet (5')
 - (b) Street side on corner lot -thirty feet (30')
- 5. Maximum Building Height - Sixty feet (60'), or six (6) stories.
- 6. Maximum Lot Coverage - Thirty-five percent (35%)

(Ord. 729, 11/13/1967, §63)

§27-604. Zone Designation - Central Commercial (C-1).

- 1. Principal Uses Permitted.
 - A. Office buildings, charitable institutions, professional offices and clinics.
 - B. Bus stations and terminal buildings
 - C. Public, private or commercial schools
 - D. Retail businesses, service establishments, banks, bowling alleys and other places of public amusement conducted entirely within buildings.
 - E. Bakery, candy, pastry, confectionery or ice cream retail sale with minor manufacturing permitted for sales on the premises only providing that not more than five (5) persons are employed during any one (1) shift in such manufacturing.
 - F. Automobile sales conducted entirely within the building.
 - G. Club or Lodge Hall
 - H. No use as noted above shall be permitted in this district if such use produces noise, vibration, dust, smoke, odor, steam or effluents exceeding the general level of such potential nuisances at the property line.

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- I. Parking Lots and Parking Garages.
2. Accessory Uses Permitted.
 - A. Accessory uses on the same lot with and customarily incidental to a permitted use.
 - B. Signs - All signs erected in the area shall conform to the following regulations:
 - (1) All signs shall be either:
 - (a) business signs with direct attention to business type of establishment, professional or activity located off the premises where the sign is displayed; types or products sold and/or services offered on said premises;
 - (b) Identification signs used to identify the name of the individual or organization occupying the premises, the profession of the occupant, or the name of the building upon which the sign is displayed.
 - (2) All signs shall be an integral part of the building design. Major sign criteria are as follows:
 - (a) Signs shall be perpendicular or parallel to the building facade.
 - (b) Signs shall not project beyond the property lines.
 - (c) Signs on all buildings shall be limited to the first floor and shall not extend above the roof line and/or parapet of the building, roof signs are prohibited.
 - (d) Signs shall not be permitted to be painted on the walls of buildings nor on screen walls. Company or professional names may be painted or otherwise marked in permanent materials (provided that the letters in such signs do not exceed four inches (4") in height) on first floor windows - second and higher floor window signs and labels are prohibited.
 - (e) Signs having animated or flashing illumination are prohibited. Illuminated signs shall be shielded in such a way as to procure no glare to the surrounding area, and illumination shall be properly focused upon the sign itself.
 - (3) Signs painted on awnings in C-1 district shall be exempt from the limitations imposed by this Chapter on the projection of signs across property lines into public right-of-way, provided that any sign painted on an awning shall indicate only the name or address of the establishment.

- (4) Real Estate Signs relating to the prospective sale, rent, or lease of land provided that the total sign area on one (1) street frontage does not exceed six (6'²) square feet.
- (5) Signs directing and guiding traffic and parking on private property, bearing no advertising matter may be permitted providing that the total area of each sign does not exceed two (2'²) square feet.
- (6) The owner of any sign erected or altered under the provisions of this Part shall execute a bond in the sum of five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00) indemnifying the Borough against all loss, cost, damage, or expense incurred or sustained by or recovered against the Borough by reason of the construction and maintenance of such signs.

3. Special Permit Uses.

A. Out-Door Commercial Uses.

- (1) Such uses shall not be less than one hundred feet (100') from a Residence District, church or school and so designed or related thereto, as not to interfere with the peaceful enjoyment of such properties by reason of lights, noise or other physical factors.

B. Public Utility Substations or other utility facilities necessary to render adequate service.

C. Government Buildings and uses.

D. Residential Apartment Dwelling Units above Ground Floor Uses.

- (1) Such Uses shall comply with the following regulations:

- (a) Minimum floor area per apartment unit (excluding Public Corridors and Stairs).

Efficiency Apartments - 500 sq. ft.

One Bedroom Apartment - 600 sq. ft.

Two Bedroom Apartment - 700 sq. ft.

- (b) The size of Habitable Rooms shall meet the requirements of existing Borough ordinances.

- (c) Off-Street Parking shall be provided at the ratio of three-quarters (3/4) for each dwelling unit.

4. Lot and Yard Requirements.

A. Minimum Lot Area - 2,000 sq. ft.

B. Minimum Lot Width - 20 ft.

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- C. Minimum Yards
 - (1) Front Yard - 10 ft.
 - (2) Rear Yard - adjoining existing alley or alleys on official map thirty feet (30') from center line of alley, otherwise none required.
 - (3) Side Yard
 - (a) Adjoining Commercial and/or Industrial District - none required.
 - (b) Adjoining Residence District - Fifteen feet (15') or one-half (1/2) the height of buildings, whichever is greater.
- 5. Maximum Building Height - One hundred feet (100'), but not more than ten (10) stories.
- 6. Maximum Lot Coverage eighty percent (80%)
(Ord. 729, 11/13/1967, §65)

§27-605. Zone Designation -Neighborhood Commercial (C-2).

- 1. Principal Uses Permitted.
 - A. Retail business, service establishments, banks, offices when conducted entirely within the buildings.
 - B. Restaurants, motion picture theatres, bowling alleys and other places of public amusement conducted within buildings.
 - C. Undertaking Establishments.
 - D. Professional Offices and Clinics.
 - E. Bakery, candy, pastry, confectionery or ice cream retail sales with minor manufacturing permitted for sales on the premises only, provided that not more than five (5) persons are employed in such manufacturing.
 - F. Parking lots and garages.
 - G. Club or lodge hall.
 - H. Laundry and dry cleaning establishments for pick-up and delivery use only.
 - I. No use as noted above shall be permitted in this district if such produces noise, vibration, dust smoke, odor, steam or effluents exceeding the general level of such potential nuisances at the property line.
 - J. Property or Commercial Schools.

2. Accessory Uses Permitted.

A. Accessory uses on the same lot with and customarily incidental to a permitted use.

B. Signs

(1) All signs shall be either;

- (a) business signs which direct attention to business type of establishment, profession or activity located on the premises where the sign is displayed; types of products sold and/or services offered on said premises;
- (b) identification signs use to identify the names of individual or organization occupying the premises, the profession of the occupant, or the name of the building upon which the sign is displayed.

(2) All signs shall be an integral part of the building design. Major criteria are as follows:

- (a) signs shall be perpendicular or parallel to the building facade.
- (b) signs shall not project beyond the property line.
- (c) signs on all buildings shall be limited to the first floor and shall not extend above the roof line and/or parapet of the building. Roof signs are prohibited.
- (d) signs shall not be permitted to be painted on the walls of buildings nor on screen walls. Company or professional names may be painted or otherwise marked in permanent materials (provided that the letters in such signs do not exceed four inches (4") in height) on first floor windows - second and higher floor window signs and labels are prohibited.
- (e) signs having animated or flashing illumination are prohibited.
- (f) illuminated signs shall be shielded in such a way as to produce no glare to the surrounding area, and illumination shall be properly focused upon the sign itself.

(3) Signs painted on awnings in C-2 District shall be exempt from the limitations imposed by this Part on the projection of signs across property lines into right-of-way, provided that any sign painted on an awning shall indicate only the name or address of the establishment.

(4) Real Estate Signs relating to the prospective sale, rent, or lease provided that the total sign on one (1) street frontage does not exceed six (6'²) square feet.

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- (5) Signs directing and guiding traffic and parking on private property, bearing no advertising matter may be permitted that the total area of each sign does not exceed two (2'²) square feet.
- (6) The owner of any sign erected or altered under the provisions of this Part shall execute a bond in the sum of five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00) indemnifying the Borough against all loss, cost, damage or expense incurred or sustained by or recovered against the Borough by reason of the construction and maintenance.

3. Special Permit Uses.

A. Gasoline Service Stations and other drive-in uses.

- (1) Such uses shall not be placed so as to unduly endanger pedestrian traffic, and shall comply with the following regulations and shall have at least one hundred feet (100') frontage and ten thousand (10,000'²) square feet of area.
 - (a) A station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles and other drive-in uses, shall meet the following additional requirements.
 - (1) No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located within two hundred feet (200') of a street entrance or exit of any school, park, or playground conducted for and attended by children; within one hundred feet (100') of any hospital, church, or public library; within seventy-five feet (75') of a lot in a Residential District as established in this Chapter.
 - (2) No equipment above the surface of ground for the service of motor vehicles shall be closer than thirty feet (30') to any property line.
 - (3) The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty feet (30') at its intersection with the curb line or edge of pavement.
 - (4) No two (2) driveways leading from a public street to such service station or other drive-in use shall be within twenty-four feet (24') of each other at their intersection with the curb or street line.
 - (5) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or into streets.

- (6) At the time of application for a special permit the applicant shall present to the Zoning Officer a petition of consent signed by a majority of property owners in interest and number of all property fronting upon the same block within one hundred feet (100') of the site in question. Land already owned by major garages and gasoline service stations and land owned or to be bought by the applicant shall not be included.
 - B. Public Utility Substations or other utility facilities necessary to render adequate services.
 - C. Government Buildings and uses.
 4. Lot and Yard Requirements.
 - A. Minimum Lot Area.
 - (1) For gasoline stations and drive-in uses, ten thousand (10,000'²) square feet.
 - (2) For other uses, three thousand (3,000'²) square feet.
 - B. Minimum Lot Width.
 - (1) For gasoline stations and drive-ins uses, one hundred feet (100').
 - (2) For other uses, thirty feet (30')
 - C. Minimum Yards.
 - (1) Front Yard - 10 ft.
 - (2) Rear Yard - 20 ft.
 - (3) Side Yard - no requirements, but if provided, must be at least three feet (3')
 5. Maximum Building Height - thirty-five feet (35')
 6. Maximum Lot Coverage - six percent (6%)

(Ord. 729, 11/13/1967, §66)

§27-606. Zone Designation -General Industrial (M-1).

Within the General Industrial District, no building, structure or premises shall be used and no building or structure shall be erected or altered until and unless the following conditions have been complied with:

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There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district which application shall be accompanied with the following information.

- (1) A plot plan indicating the location of present and proposed buildings, driveways, parking lots, and other desired uses.
- (2) Preliminary architectural plans to include the site plan and landscaping proposals for the proposed building or buildings.
- (3) An estimate of the maximum number of employees contemplated for the purpose development and the number of shifts during which they would work. Also, a description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing of excess auto traffic, congestion or problems of noise, glare, odor, sewage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety and welfare of the area.
- (4) Engineering and architectural plans for the handling of any problems of the type outlined in Item 3 above, including a designation of sewers to be used and necessary plans for controlling of smoke or other nuisances such as those enumerated under Item 3 above.
- (5) Any other information of the Planning Commission or Borough Council may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area.
 - (a) Principal Uses Permitted. No new residence shall be permitted in this district other than as quarters for caretaker or watchman.
 - (i) Wholesale business including storage of materials in buildings or in yards surrounded by a solid or chain link fence or evergreen hedge not less than six feet (6') in height.
 - (ii) Mechanical or industrial operations performed entirely within buildings which do not produce noise, vibration, dust, smoke, odor, steam or effluents exceeding the general level of such potential nuisances at the property line.
 - (iii) Laundry, dry cleaning plant
 - (iv) Research laboratories.
 - (b) Accessory Uses Permitted.
 - (i) Any use customarily incidental to the above.
 - (ii) Any sign other than self-illuminating sign or signs employing intermittent lighting or moving devices providing that such signs are not higher than eighteen feet (18') above the ground.

The above height limitations shall not apply to signs identifying the use conducted in a building and erected flat against the wall thereof.

- (c) Special Permit Uses.
 - (i) Public Utility Substations or other facilities necessary to render adequate service.
 - (ii) Government Buildings and uses.
- (d) Lot and Yard Requirements - The entire lot may be covered with the exception of the mandatory open space as hereinafter provided in §606(D)(3).
 - (i) Minimum Lot Area - 7,500 square feet
 - (ii) Minimum Lot Width - 50 feet
 - (iii) Minimum Yards -
 - a) Front - 20 feet in all cases
 - b) Rear - 50 feet adjoining Residence Districts, 20 feet in all other cases.
 - c) Side - 50 feet when adjoining Residence Districts, 20 feet in all other cases.
- (e) Maximum Building Height. Seventy-five feet (75') except that structures housing processing equipment may be extended to a maximum height of ninety feet (90').
- (f) Maximum Land Coverage - fifty percent (50%)
- (g) Screens, Planting, Etc. General industrial use adjacent to a Residence District shall provide a screen or solid fence, and/or evergreen planting meeting the approval of the Planning Commission.

(Ord. 729, 11/13/1967, §67)

PART 7

ADMINISTRATIVE REGULATIONS

§27-701. Establishment of a Zoning Hearing Board.

1. The Zoning Hearing Board shall be appointed by Borough Council and shall consist of three (3) members.
2. The terms of office of the three (3) member Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year.
3. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which may occur on the Board. Appointments to fill vacancies shall be only for the unexpired portion of the term.
4. Appointments to fill vacancies shall be made by Borough Council.
5. Members of the Board shall hold no other office in the Borough except that no more than one member of the Board may also be a member of the Planning Commission.
6. The Zoning Hearing Board shall adopt rules and procedures in accordance with the provisions of this Chapter 27 and the Pennsylvania Municipalities Planning Code.

(*Ord. 729, 11/13/1967, §70; as amended by Ord. 879, 6/7/1988*)

§27-702. Appeals and Application;

1. Procedure - Appeals may be taken to the Board by any person aggrieved or by any officer of the municipality affected by any decision of the Zoning Officer. Such an appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing with the officer from which the appeal is taken, and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon the action appealed from was taken.
 - A. Application for special permits are not appeals and shall be made directly to the Board on receipt of notice to this effect from the hearing officer. However, no such application shall be made until the procedure set forth in §702 have been complied with and the application for a permit has been denied by the Zoning Officer.
2. Applications. All appeals and applications made to the Zoning Hearing Board shall be in writing on forms prescribed by the Board and approved by the legislative body and each appeal or application shall fully set forth the circumstances of the case. All appeals and applications to the Zoning Hearing Board shall be accompanied by a fee of two hundred dollars (\$200.00) to defray the

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expenses of the hearing by the Board. Every appeal or application shall refer to the specific provisions of the Chapter involved and shall set forth, as the case may be:

- A. The interpretation that is claimed;
 - B. The use for which the exception is sought, or;
 - C. The details on which it is claimed that the same should be granted.
3. Notification to Planning Commission. At least ten days (10) days before the date of the hearing required by law on an application or appeal to the Zoning Hearing Board, the secretary of said Board shall transmit to the Secretary of the Planning Commission a copy of the notice of the aforesaid hearing, and the Planning Commission may submit to the Zoning Hearing Board an advisory opinion in said application or appeal.
 4. Decisions. Every decision of the Zoning Hearing Board shall be recorded in accordance with standard forms adopted by the Board and appended to this Chapter which shall fully set forth the circumstances of the case and the findings on which the decision is based. Every decision of the Board shall be by resolution and each resolution together with all documents pertaining thereto shall be filed in the municipal interpretation -Special Permits -Variance.
 5. Notification of Zoning Officer. The Zoning Hearing Board shall notify the Zoning Officer of its decision in each case. The Zoning Hearing Board shall make reports to the legislative body.

(Ord. 729, 11/13/1967; as amended by Ord. 816, 2/2/1982)

§27-703. Enforcement.

1. Permits and other Authorization to Conform.
 - A. Compliance with this Chapter. No Board, agency, officer or employee of the municipality shall issue, grant, or approve a permit or other authorization, excluding special permits and variances by the Zoning Hearing Board, for any construction, re-construction, alteration enforcement or moving of any building or for any use of land or buildings that would not be in full compliance with the provisions of this Chapter.
2. Zoning Permits.
 - A. When required. No zoning permit shall be issued until the zoning officer has certified thereon that the proposed building, structure, or alteration and the proposed use thereof comply with the terms of this Chapter.
 - B. Information Required. Every application for a zoning permit shall be accompanied by a plot plan to scale showing;

- (1) The lot upon which the building is proposed to be erected or on which it is situated in an existing building.
 - (2) Lot dimensions, lot and block numbers and subdivision name if any.
 - (3) Names and widths of abutting streets.
 - (4) Locations, dimensions and uses of any existing buildings on the lot within one hundred feet (100') of the proposed structure and approximate location of any other buildings on the lot.
 - (5) Locations, dimensions and proposed uses of buildings for which the permit is sought.
 - (6) Dimensions of yards in relation to the building for which the permit is sought and distance from the proposed building from any existing building within one hundred feet (100') on the same lot.
 - (7) North point and uniform scale as determined by the Zoning Officer.
 - (8) Estimated cost of proposed structure.
- C. Complete and understandable Information. No application for a Zoning Permit shall be accepted by the Zoning Administrator unless all the information required on the accompanying plan has been furnished by the applicant in clearly understandable form.
3. Occupancy Permits.
- A. When required. None of the following occupancies or changes of use shall take place until an occupancy permit has been signed by the Zoning Officer.
- (1) Occupancy and use of a building hereafter constructed, moved or altered so as to require a Building Permit.
 - (2) Change in the use of an existing building other than to a use of the same type.
 - (3) Occupancy and use of vacant land.
 - (4) Changes in the use of land except to another use of the same type.
 - (5) Any change in use of non-conforming use. Procedure for Uses When Zoning Permit is Required -When the building is ready for occupancy, a written request for an occupancy permit must be submitted to the Zoning Administrator on a form provided by the municipality after the construction authorized in the Zoning Permit has been completed or has progressed to an extent that compliance with the terms of the Zoning Permit is ascertainable. If the proposed use is in conformity with the provisions of this Chapter and all other applicable laws and ordinances, within one (1) week following the receipt of such request,

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the Zoning Officer shall issue the applicant a written statement containing the reasons for such denial.

- B. Procedure for Uses Not Involving a Zoning Permit.
- (1) Written application for an occupancy permit for the use of vacant land, for a change in the type of use of land, or of a building, or for change of use of a nonconforming use as provided herein, shall be made to the Zoning Officer.
 - (2) If the proposed use is in conformity with the provisions of this Chapter and all other applicable laws and ordinances, the occupancy permit therefor, shall be issued within one (1) week following the receipt of such request.
 - (3) If such request is denied, the Zoning Officer shall issue the applicant a written statement containing the reasons for such denial.
 - (4) Fees. Fees for Occupancy Permits shall be specified by legislative body.
- C. Certificate required for contained occupancy. Every occupancy permit shall state that the land complies with all other ordinances of the municipality. An occupancy permit shall be deemed to authorize, and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building and the use thereof or the use of such land be in full conformity with the provisions of this Chapter and any requirements made pursuant thereto.
- D. Violations. On the serving of notice of any violations to building or the use thereof, or of land as provided in this Section, the occupancy permit for such use shall thereupon, without further action, become null and void and a new occupancy permit shall be required for any further use of such building or land.
- E. Duplicate Copies. Duplicate copies of every occupancy permit shall be kept in the office of the Zoning Officer and copies shall be furnished on request and on payment of copying costs to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 729, 11/13/1967, §72)

§27-704. Zoning Officer.

1. Office and Appointment. There is hereby established the office of Zoning Officer who shall be the Building Inspector or other official designated by legislative body.
2. Powers and Duties. Enforcing Official. The Zoning Officer shall administer this Chapter and have the powers and duties prescribed herein.

- A. Right to enter and examine. The Zoning Officer shall have the right at any time to enter upon any premises for the purpose of making inspection of buildings or premises necessary to carry out his duties.
- B. Issue Permits. The Zoning Officer shall issue permits as provided in this Chapter, and to keep a record of all permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office. Such records shall be available for the use of legislative officials, the Planning Commission, the Board of Zoning Adjustment and Public.
- C. Stop Work Orders. Whenever any construction work is being done contrary to the provisions of this Chapter or a permit as issued under it, the Zoning Officer may order the work or cause such work to be stopped and any such person shall forthwith stop such work until authorized by the Zoning Officer to proceed.

(Ord. 729, 11/13/1967, §73)

PART 8

NONCONFORMING USES

§27-801. Lawful Uses May Continue.

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of a Zoning Ordinance, or in the case of an amendment of an ordinance then, at the time of such amendment, may, except as hereinafter provided be continued, although such use does not conform with the provision of such ordinance or amendment.

1. Regulations Controlling Uses of Land.

- A. **Enlargement.** No nonconforming use shall be (a) enlarged or extended off the lot occupied by such use at the time of the adoption of this Chapter, or (b) shall be enlarged or extended to occupy any part of the required yard area in the district which said use is located unless to provide for the natural expansion and accommodation of increased trade and does not interfere with the health, safety and welfare of the community.
- B. **Changes.** Once changed to a conforming use, no land shall be permitted to revert to a nonconforming use. No new nonconforming use may be added to or substituted for an existing nonconforming use.
- C. **Fencing Junk Yards.** Regardless of any other provisions of this Chapter, every junk yard existing as a nonconforming use shall within two (2) years after becoming nonconforming be completely enclosed within a continuous solid fence or evergreen hedge found on a determination of the Zoning Hearing Board to be by such height and character as to screen all operations of such establishments and which fence or hedge shall be maintained in full conformity with any conditions attached to such approval.
- D. **Cessation of Land Use.** If any nonconforming use of land cease for any continuous period of not less than six (6) months for any reason other than direct participation of owner or tenant in military service or act of God, any subsequent use of such land shall be in conformity to the regulations specified by this Chapter for the district in which such land is located.
- E. In any Residence District on a lot of record on the effective date of this Chapter, a one (1) family structure may be established regardless of the size of the lot, provided that on a lot which is less than fifty feet (50') in width the total of the side yards shall in no case be less than ten feet (10') and no one side yard shall be less than five feet (5'), and provided that all other requirements of this Chapter are met. If on the effective date of this Chapter two (2) or more lots contiguous to each other and facing a common public right-of-way are in common ownership, any one (1) or each of which said lots are less then prescribed hereinafter, the aforementioned shall be considered as one lot and must comply to the lot requirements of the district wherein it is located.

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2. **Regulations Controlling Non-Conforming Structures and NonConforming Uses of Building.**

- A. **Alteration, Reconstruction.** No existing building occupied by a nonconforming use shall be enlarged, extended, reconstructed or structurally altered in order that a nonconforming use may be continued unless to provide for the natural expansion and accommodation of increased trade and does not interfere with the health, safety and welfare of the community. Repairs to satisfy rehabilitation standards set on any building located in any Urban Renewal Project, or to satisfy Code Standards as required by a Public Officer under Borough Codes will also be permitted.
- B. **Movement.** No nonconforming building shall be moved in whole part to any other portion of the lot and continued to be used unless the Zoning Hearing Board shall make a determination that such movement is in keeping with the spirit of this Chapter and contribute to public safety or welfare, and shall give a special permit therefor.
- C. **Cessation of Building Use.** If any nonconforming use of a building ceases for any reason for a continuous period of not less than six (6) months for any reason other than direct participation of the owner or tenant in military service, or if the building in or on which use, if conducted or maintained is moved from any district without approval of the Zoning Hearing Board, then any future use of such building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.
- D. **Destruction of Nonconforming Building.** If at anytime a building in existence or maintained at the time of the adoption of this Chapter and not conforming to the regulations for the district in which it is located shall be destroyed by any means to the extent that the remaining value is less than fifty percent (50%) of the assessed valuation in the immediate area occupied by said building, the same shall thenceforth be subject to all the regulations of this Chapter for the district in which such land and building are located.
- E. **Construction Stated Prior to Adoption.** Nothing herein contained shall require any change in plans, construction, or use of a building, the actual construction of which shall have begun prior to the adoption of this Chapter, and which entire building shall be completed according to such original plans within six (6) months of such time of adoption.
- F. **Removal of Nonconforming Signs.** A non-conforming sign may not be enlarged, added to or replaced by another non-conforming sign or by a nonconforming use of structure except that the substitution or interchange of poster panels and painted boards or nonconforming signs shall be permitted.

(Ord. 729, 11/13/1967; as amended by Ord. 822 11/9/1982)

PART 9

**ENFORCEMENT, REMEDIES, INTERPRETATION
AMENDMENTS AND SEVERABILITY**

§27-901. Penalties.

Any person, firm or corporation who shall violate and provision of this Part 9 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 9 continues shall constitute a separate offense.

(Ord. 729, 11/13/1967, §91)

§27-902. Remedies Open to Zoning Officer.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any hedge tree, shrub or other growth is maintained in violation of this Chapter, or of any regulations made pursuant hereto in addition to other remedies provided by law, any appropriate action or proceedings whether by legal process or otherwise may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, land or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 729, 11/13/1967, §92)

§27-903. Other Remedies Not Excluded.

The remedies provided herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 729, 11/13/1967, §93)

§27-904. Interpretation.

Purpose in interpreting and applying the provisions of the Chapter shall be held to the minimum requirements for the promotion of health, safety, and morals and general welfare of the municipality. It is not intended by this Chapter to interfere with or abrogate or annul any rules, regulations, or permits previously adopted or issued provided however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon the height of the building or required larger open spaces than are imposed or required by such Chapter, rules, regulations or permits, the provision of this ordinance shall control.

(Ord. 729, 11/13/1967, §94)

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§27-905. Amendment.

The legislative body may, in accordance with procedure established by the law, on its own initiative or on petition supplement, change modify or repeal such regulations, restrictions or boundaries as set forth in this Chapter. However, no such change shall become effective until after a public hearing in relation thereto at which parties in interest shall have an opportunity to be heard.

(Ord. 729, 11/13/1967, §95)

§27-906. Severability.

If any section, sub-section, paragraph, sentence, clause or phrase of this Chapter is declared by any court of competent jurisdiction to be invalid, such invalidity shall not effect any other portion of this Chapter. The legislative body hereby declares that it would have adopted every section, sub-section, paragraph, sentence, clause or phrase of this Chapter regardless of the fact that any other section, sub-section, paragraph, sentence, clause or phrase be declared invalid.

(Ord. 729, 11/13/1967, §96)