

## PART 6

## HEIGHT, AREA AND BULK REGULATIONS

## §601. DIMENSIONAL REQUIREMENTS.

Dimensional requirements for each district pertaining to minimum lot size, lot area per dwelling unit, lot width, lot depth and yard dimensions; and maximum building height, and lot coverage and bulk regulations shall be according to the following schedules:

## SCHEDULE I

| <u>District</u>           | <u>R-1</u>            | <u>R-2</u>                          |
|---------------------------|-----------------------|-------------------------------------|
| Minimum dwelling lot size | 5,400 square feet     | 2,500 square feet                   |
| Minimum yards:            |                       |                                     |
| Front                     | 15 feet               | 10 feet                             |
| Side                      | 8 feet                | 3 feet on exterior wall or dwelling |
| Rear                      | 25 feet               | 10 feet                             |
| Minimum lot frontage      | 36 feet               | 25 feet                             |
| Minimum lot depth         | 100 feet              | 75 feet                             |
| Maximum lot coverage      | 35%                   | 50%                                 |
| Maximum building height   | 2½ stories<br>35 feet | 2½ stories<br>35 feet               |

## SCHEDULE 2

| <u>District</u>         | <u>C-1</u>           | <u>C-2</u>           |
|-------------------------|----------------------|----------------------|
| Maximum building height | 2 stories or 25 feet | 6 stories or 65 feet |
| Maximum lot coverage    | 75%                  | 75%                  |

## SCHEDULE 3

| <u>District</u>  | <u>I-1</u>         |
|------------------|--------------------|
| Minimum lot size | 22,500 square feet |

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| <u>District</u>         | <u>I-1</u>          |
|-------------------------|---------------------|
| Minimum lot width       | 150 feet            |
| Maximum building height | 2 stores or 30 feet |
| Maximum lot coverage    | 60%                 |

(Ord. 3-96, 10/18/1996)

## PART 7

## OFF-STREET PARKING AND LOADING REQUIREMENTS

## §701. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

1. In all districts except C-2, off-street parking is required any building or use which is hereafter established, erected, extended or increased in capacity; space with adequate access to a street shall be constructed and maintained by the owners for use of owners or occupants and their invitees and licenses, as follows.
2. Each parking area shall contain at least three hundred (300) square feet of usable space per vehicle, including interior driveways; the net parking space (stall) per vehicle shall be at least nine (9) feet by twenty (20) feet. All parking layouts shall be approved by the Code Enforcement Officer.

| <u>Principal Use or Classification</u>                                                     | <u>Required Parking</u>                                                                                 |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Community buildings and social halls                                                       | 1 space for each 300 sq. ft. of floor area                                                              |
| Schools                                                                                    | 1 space for each 20 classroom seats                                                                     |
| Churches, theaters, stadiums, auditoriums and similar places of public or private assembly | 1 space for each 10 seats                                                                               |
| Banks                                                                                      | 1 space for each 200 sq. ft. of ground floor area                                                       |
| Hotels and motels                                                                          | 1 space for each room or dwelling unit                                                                  |
| Rooming houses and boarding houses                                                         | 1 space for each 4 beds                                                                                 |
| Funeral home or mortuary                                                                   | 5 spaces for each reposeing room                                                                        |
| Hospitals, nursing and convalescent homes                                                  | 1 space for each 4 beds plus 1 space for each employee based on the largest shift                       |
| Manufacturing plants, research or testing laboratories, and bottling plants                | 1 space for each 5 employees on the largest but not less than 25 percent of the gross floor area        |
| Wholesale establishments or warehouses                                                     | 1 space for each 3 employees on the largest shift; but not less than 25 percent of the gross floor area |
| Self-service food markets with a gross floor area of more than 10,000 square feet          | 1 space for each 100 sq. ft. of gross floor area                                                        |
| Automobile salesroom and repair garages                                                    | 1 space for each 200 sq. ft. of gross floor area devoted to such use                                    |

| <u>Principal Use or Classification</u>                                         | <u>Required Parking</u>                                           |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Clubs, lodges and recreation places                                            | 1 space for each 300 sq. ft. of gross floor area                  |
| Outdoor commercial areas, including automobile sales lots and service stations | 1 space for each 1,500 sq. ft. of ground area devoted to such use |
| Public swimming pools and private club swimming pools                          | 1 space for each 100 sq. ft. of water area                        |

(Ord. 3-96, 10/18/1996)

#### §702. OFF-STREET LOADING REQUIREMENTS.

1. In all districts, one (1) or more loading berth or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building or structure hereafter erected or enlarged, in accordance with the following.
2. A loading berth shall have minimum plan dimensions of twelve (12) feet by forty-five (45) feet and fourteen (14) feet overhead clearing plus necessary access space. A loading "space" need not necessarily be a full berth but shall be sufficient to allow normal loading or unloading operations of a kind and magnitude appropriate to the premises served thereby. The Code Enforcement Officer shall determine the sufficiency of loading space but in no case shall the use of such place hinder the free movement of vehicles and pedestrians over a street or sidewalk.

| <u>Principal Use Classification</u>                                                                                                                                                                     | <u>Required Loading</u>                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Retail operation (including restaurant and dining facilities within motels and office buildings)                                                                                                        | One 1 berth for each 20,000 sq. ft. of gross floor area, or major fraction thereof |
| Retail operations, and all ground floor nonresidential uses, with a gross floor area less than 20,000 sq. ft.; and wholesale and industrial operations with a gross floor area less than 10,000 sq. ft. | A loading space (not necessarily full berth) as defined above in this Section      |
| Office buildings, hospitals and motels with a gross floor area of 5,000 sq. ft. or more                                                                                                                 | One berth                                                                          |
| Manufacturing, wholesale and storage operations with a gross floor area of 10,000 sq. ft. or over                                                                                                       | One berth plus additional berths as required by the nature of operation            |

| <u>Principal Use Classification</u>                                                                                                                              | <u>Required Loading</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Any building with a gross floor area over 20,000 sq. ft., not specifically mentioned herein, which requires the receipt or distribution of material by vehicles. | One berth               |

(Ord. 3-96, 10/18/1996)

### §703. GENERAL PARKING AND LOADING AREA PROVISIONS.

1. Location of Parking Lots. Required parking shall be located on the same zoning lot as the principal use to which it is necessary; except that required parking may be on a lot which is separated from the lot of principal use in either of the following situations:
  - A. For multifamily residences and nonresidential uses where the parking is within the same zoning district as the principal use and within one hundred (100) feet of the lot of the principal use.
  - B. For any C-1 principal use where the parking is outside of the C-1 District and is within one hundred (100) feet of the boundary of the C-1 District; provided, however, that such parking shall otherwise conform to this Part.
2. Assignment of Parking Space in Grouped Lots. The required parking spaces for any number of separate uses may be combined in one (1) lot but the required spaces assigned to one (1) use may not be assigned to another use at the same time; except that one-half (½) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed or not in use at night and on Sundays.
3. Remote Parking Lots Encumbered. Where provision of required parking for a building or use established or enlarged subsequent to the adoption of this Chapter involves one (1) or more parcels of land that are not a part of the lot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a zoning permit an instrument duly executed and acknowledged, which subjects said parcels of land to parking uses in connection with the principal use to which it is accessory. The applicant shall deposit the necessary registration fee and, upon the issuance of a zoning permit, the Zoning Officer shall cause said instrument to be registered in the office of the Recorder of Deeds.
4. Surfacing. Parking and loading areas for more than five (5) vehicles, with driveways, shall be paved with a durable, dustless material approved by the Borough Engineer, graded to dispose of all surface water, without causing surface water runoff onto adjacent property or properties, and shall be maintained in good condition.

(Ord. 3-96, 10/18/1996)



**PART 8**

**ACCESS DRIVEWAY REGULATIONS**

**§801. GENERAL.**

1. All access driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of all streets in the Borough or the safe and convenient passage of traffic upon them.
2. Access driveways and parking areas shall be designed to provide ample maneuvering area off the right-of-way to permit vehicles to enter the flow of traffic without backing out and turning on the right-of-way. This provision may be waived, in specific cases, on residential access streets at the discretion of the Zoning Hearing Board.
3. For property adjoining arterial or collector streets, where an adequate secondary means of access is provided, such as another street, access driveways shall be located on such secondary streets, except where the Zoning Hearing Board determines such would cause undue inconvenience or disadvantage as compared to similar premises or uses in the Borough.

(Ord. 3-96, 10/18/1996)

**§802. LOCATION.**

Access driveways shall be located where street alignment and profile are favorable, such as where there are no sharp or steep grades and where sight distance in conjunction with the driveway would be adequate for safe traffic operation.

(Ord. 3-96, 10/18/1996)

**§803. NUMBER OF DRIVEWAYS PER LOT.**

1. The number of driveways provided shall be the fewest required to adequately serve the abutting property or use.
2. Frontages of fifty (50) feet or less shall be limited to one (1) driveway. Normally, not more than two (2) driveways need be provided to any single lot or premises. Exceptions may be made where frontage exceeds three hundred (300) feet in length.

(Ord. 3-96, 10/18/1996)

**§804. COMMON DRIVEWAY PERMITTED.**

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A common driveway serving two (2) adjoining lots may be permitted; provided, that the lot owners submit to the Zoning Officer an instrument, duly executed and acknowledged by both lot owners, subjecting said lots to such use.

(Ord. 3-96, 10/18/1996)

### §805. ACCESS DRIVEWAY STANDARDS.

#### 1. Approach Angle.

- A. Single Driveway. As near ninety (90) degrees as site conditions permit, but not less than sixty (60) degrees, for at least ten (10) feet within the property.
- B. Two Driveways.
  - (1). Two-way Operation. Same as for a single driveway.
  - (2). One-way Operation. Between forty-five (45) and sixty (60) degrees.

#### 2. Driveway Approach Radius.

- A. The return radius connecting the edge of the pavement with the edge of the driveway shall be the minimum radius that will permit turns by the largest vehicle using the driveway with some frequency in conformance with the following:

| <u>Description</u>                                                         | <u>Radius</u> |
|----------------------------------------------------------------------------|---------------|
| Passenger cars and commercial and utility vehicles of comparable wheelbase | 5 - 15 feet   |
| Medium sized trucks                                                        | 15 - 30 feet  |
| Tractor trailer combinations                                               | 30 - 50 feet  |

No radius shall be less than five (5) feet nor larger than fifty (50) feet.

- 2. Driveway approach flares shall be true arcs of circles and shall be tangent to the pavement edge or curb.
- 3. Corner Clearance.
  - A. At the intersection of two (2) streets the distance between the near edge of a driveway and the paved edge of an intersecting street shall be at least twenty-five (25) feet, measured along the extended pavement edge or curb.
  - B. The driveway approach or curb cut shall be set back from the intersecting right-of-way line at least fifteen (15) feet.

4. Edge Clearance.

- A. The entire driveway approach shall be within the frontage of the lot to which it gives access.
- B. For driveways with angles of ninety (90) degrees, the edge clearance shall be at least equal to the radius of curvature of the driveway approach or curb return.
- C. Edge clearance may be waived in those cases where a driveway is common to two (2) abutting lots.

5. Driveway Width.

- A. The width of driveways as measured at right angles to the driveway center line shall be as follows:

|                | <u>Minimum</u> | <u>Maximum</u> |
|----------------|----------------|----------------|
| Residential    | 10 feet        | 25 feet        |
| Nonresidential | 15 feet        | 35 feet        |

- B. Where a driveway is separated by a median divisor for two (2) way use, the width may exceed the maximum by an amount equal to the divisor widths plus five (5) feet.

- 6. Acceleration and Deceleration Lanes. A shoulder area at either or both sides of an access driveway may be installed to provide acceleration or deceleration lanes for vehicles leaving or entering a driveway; such shoulder area shall be paved and the paving shall be kept within the lot limits.

- 7. Sight Distance. Access driveways shall be located at a point of optimum sight distance along the street within the lot frontage limits. For driveways on arterial or collector streets, the driveway profile and grading along the right-of-way should provide sight distances of two hundred (200) feet as measured along the center line of the traffic lane from the driveway center line, and viewed from a point five (5) feet back from the pavement edge.

8. Driveway Slope.

- A. Driveways shall be constructed in such a manner as not to impair the drainage within the street right-of-way or the adjacent area and in a manner not to cause drainage onto adjacent properties.
- B. Where open shoulders occur, the driveway approach shall be sloped away from the pavement at a rate between one-half ( $\frac{1}{2}$ ) and one and one-half ( $1\frac{1}{2}$ ) inches per foot.
- C. Where a drainage ditch exists, adequate drainage pipe, of a size approved by the

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Borough Engineer, shall be installed under the driveway at the property owner's expense in accordance with any installation standards as may be required by the Borough Engineer.

(Ord. 3-96, 10/18/1996)

### §806. BARRIERS MAY BE REQUIRED.

Where necessary due to location of driveways and parking areas, a suitable, substantial barrier, such as a raised curb, pipe railing, bollards or wall, shall be installed to prevent encroachment of vehicles onto street rights-of-way, sidewalks and elsewhere as the Borough Council determines to be necessary in order to protect pedestrians and structures.

(Ord. 3-96, 10/18/1996)

### §807. DESIGN REVIEW.

Permits shall be required for access driveways which are to serve parking or loading areas for more than five (5) vehicles. Permit applications shall be submitted to the Zoning Officer. Prior to approving said application, the Zoning Officer shall submit the application to the Borough Engineer and the Borough Council for their review and recommendation. Special designs may be required for large traffic generators. Applications for access driveways on United States and Pennsylvania highways shall be submitted by the applicant to the District Highway Engineer of the Pennsylvania Department of Transportation for review and approval prior to any work being undertaken on the driveway.

(Ord. 3-96, 10/18/1996)

## PART 9

### SIGN REGULATIONS

In addition to the sign regulations specified in this Part the construction, erection, alteration, maintenance and location of signs and outdoor advertising shall be in accordance with the provisions of the Building Code [Chapter 5], which apply in any case, regardless of the exemptions specified below.

(Ord. 3-96, 10/18/1996)

#### §901. EXEMPTIONS.

The following types of signs are exempt from the provisions of this Part:

- A. Signs employed wholly for the purposes of announcement or direction in relation to any of the functions of a Federal, State or local authority which are required to be displayed in a manner otherwise than the provisions of this Part would allow in order to secure the safe or efficient performance of those functions.
- B. Signs displayed on land which is wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure, so that such signs are not readily visible from land outside the enclosure or from any part of such enclosure over which there is a public right-of-way or to which there is public access.
- C. Signs Displayed Within a Building. A sign shall be deemed to be displayed within a building where there is access to the sign only from inside the building.

(Ord. 3-96, 10/18/1996)

#### §902. SIGN PERMITS.

Permits shall be required for the erection and display of all signs including temporary signs in accordance with the provisions of §1003.

(Ord. 3-96, 10/18/1996)

#### §903. ALTERATIONS.

Signs may be maintained, altered, rebuilt, enlarged, extended or relocated in conformance with the provisions of this Part and §317. Existing nonconforming signs shall be governed by the nonconforming use provisions of Part 4.

(Ord. 3-96, 10/18/1996)

## §904. OUTDOOR SIGNS.

1. Signs Permitted and Extent-of-Use. One (1) freestanding or attached sign is permitted on each street frontage of a lot for each occupancy or purpose as below; an additional sign for each occupancy or purpose as below permitted for every fifty (50) feet of street frontage or major fraction thereof. However,
  - A. For business signs, two (2) signs are permitted as long as their total area does not exceed the maximum below.
  - B. No sign exceeding thirty (30) square feet in size may be located within seventy-five (75) feet of a residential district.

| <u>Type of Sign</u>                                                                              | <u>Where Permitted</u>                           | <u>Maximum Size</u> |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------|
| Traffic                                                                                          | Any zone                                         |                     |
| Home occupation or home profession                                                               | Any zone but F                                   | 2 sq. ft.           |
| Trespassing                                                                                      | Any zone but F                                   | 1 sq. ft.           |
| For sale, for rent, sold and rented                                                              | Any zone but F                                   | 6 sq. ft.           |
| Work sign of builders, painters, and other artisans while performing work on the premises        | Any zone but F                                   | 6 sq. ft.           |
| Directional                                                                                      | Any zone but F                                   | 6 sq. ft.           |
| Identification and information of churches, schools and other non-profit institutions            | Any zone but F                                   | 12 sq. ft.          |
| Temporary sign for sale of agricultural and horticultural products and for construction projects | Any zone                                         | 12 sq. ft.          |
| Business, except for agricultural and horticultural products                                     | Any zone by F, LC, R-1, and R-2                  | 50 sq. ft.          |
| X Advertising                                                                                    | As a conditional use in any I and C-1 zones only | 300 sq. ft.         |

(Ord. 3-96, 10/18/1996)

**§905. SETBACK OF SIGNS.**

1. Attached Signs. Attached signs may extend no further than eighteen (18) inches beyond the building setback line and such attached signs shall comply with all applicable provisions of this Part including §907.
2. Free-Standing Signs. No portion of a free-standing sign may be closer to a street right-of-way line than ten (10) feet, except for a sign less than three (3) feet in height. Such signs shall be setback from adjacent or abutting property lines a minimum of five (5) feet.

(Ord. 3-96, 10/18/1996)

**§906. BUNTINGS AND PENNANTS.**

Buntings and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed within seven (7) days after the opening or event.

(Ord. 3-96, 10/18/1996)

**§907. PROJECTION OF SIGNS.**

No sign may project:

- A. Over a public sidewalk area.
- B. Over a public street unless specifically authorized by other Borough or State regulations. Traffic signs of the Borough or of the Pennsylvania Department of Transportation may project over a public street.
- C. More than twenty-five (25) feet above the ground except for an attached sign which may project ten (10) feet above the roof of a building providing the sign so placed does not project more than thirty-five (35) feet above the ground.

(Ord. 3-96, 10/18/1996)

**§908. ILLUMINATION OF SIGNS.**

1. All Zones. Flashing and intermittent lights are prohibited.
2. Free-Standing Signs. A free-standing sign may be illuminated only by back lighting or by direct lighting if the lighting is so screened that it is not directed or reflected toward or onto any adjacent residence within one hundred (100) feet and does not cast any glare upon any adjacent street.

3. Near Highway Traffic Lights. Signs which are illuminated in the colors, red, green or amber, either by colored bulbs or tubing or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or in the center of any street intersection.

(Ord. 3-96, 10/18/1996)

**§909. TEMPORARY SIGNS.**

1. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding sixty (60) days.
2. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.

(Ord. 3-96, 10/18/1996)

**§910. CONSTRUCTION AND MAINTENANCE.**

Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated. Failure to maintain a sign in good condition shall constitute a violation of this Chapter.

(Ord. 3-96, 10/18/1996)

**§911. TERMINATION OF ENTERPRISE.**

Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed within thirty (30) days.

(Ord. 3-96, 10/18/1996)

**§912. POSTING OF SIGNS, NOTICES, CARDS, POSTERS AND LEAFLETS.**

Unless a permit has been obtained as required by §902 of this Part, it shall be unlawful to paste, paint, brand, stamp or in any manner place upon or attach to any tree, stake, utility or other pole on any street in the Borough any written, printed, painted or other advertisement, bill, notice, sign, card or other poster.

(Ord. 3-96, 10/18/1996)

## PART 10

### ADMINISTRATION AND ENFORCEMENT

#### §1001. ZONING OFFICER.

The provisions of this Chapter shall be administered and enforced by the Zoning Officer, in accordance with the literal terms of this Chapter, who shall have the following duties and powers:

- A. Receive applications for permits, certificates and other applications required under the terms of this Chapter.
- B. Prescribe the form of all applications, permits and certificates required under the terms of this Chapter.
- C. Issue permits for the construction, alteration, establishment and occupancy of all uses or buildings which are to be certified to be in accordance with requirements of this Chapter. Within thirty (30) days of receipt of an application for such permit, the Zoning Officer shall issue a permit unless the application is not in accord with the requirements of this Chapter.
- D. Refuse applications for permits or certificates which are not in accord with requirements of this Chapter within thirty (30) days of receipt of such application; said refusal shall be in writing and shall state the reasons for such action.
- E. Issue notice of violation to any person violating any provision of this Chapter; said written notice shall set forth the actions or activities that are deemed to be in violation. Duplicate copies of said notice are to be referred to the Zoning Hearing Board and to the Borough Council.
- F. Keep records of applications, permits or certificates issued, inspections made, reports rendered, and notices or orders issued.
- G. Register nonconforming uses as specified in §412 and issue certificates of nonconformance as specified in §1005.
- H. Perform such other duties as may be provided for, or made necessary, by the terms of this Chapter.
- I. All applications that necessitate interpretation of this Chapter or interpretation of the Official Zoning Map shall be referred to the Zoning Hearing Board by the Zoning Officer.

(Ord. 3-96, 10/18/1996)

#### §1002. ZONING HEARING BOARD.

1. Establishment of Board. A Zoning Hearing Board is hereby established as enabled by Article IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

A. The Board.

- (1) The Board shall consist of five (5) members to be appointed by the Borough Council. One (1) member of the Board shall be appointed to serve until the first January following the adoption of this Chapter; one (1) until the first day of the second January thereafter; one (1) until the first day of the third January thereafter; one (1) until the first day of the fourth January thereafter; and one (1) until the first day of the fifth January thereafter. Their successors shall be appointed on the expiration of the respective terms to serve five (5) years. Each Board member may succeed himself or herself. Any vacancy shall be filled for the unexpired term only.
- (2) Any Board member may be removed from office for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Borough Council. The vote of the Borough Council shall be taken only after the member has received fifteen (15) days advance notice of the intent of Council to take such a vote. A hearing shall be held in connection with the vote if the member requests such a hearing in writing.

2. Duties and Powers. The Board shall be responsible for the interpretation of this Chapter, and shall adopt, and make available to the public, rules in accordance with this Chapter, for the exercise of its functions. The Board shall have the following duties and powers:

- A. To hear and decide appeals upon allegations of error in any order, requirement, decision or determination made by the Zoning Officer in administering this Chapter. Such appeals shall be heard and decided in accordance with the provisions of Article IX, §909, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.
- B. Authorize variances, upon appeal in specific cases, from the strict application of any of the requirements of this Chapter; provided such variance is granted only in accordance with §1008. The Board shall notify the Borough Council, the Zoning Officer and the Planning Commission of any and all variances granted.
- C. Perform such other duties as may be provided by the provisions of this Chapter, including the following:
  - (1) To interpret zoning district boundaries and, when requested, to interpret the provisions of this Chapter.
  - (2) To authorize the Zoning Officer to issue zoning permits for variances.
  - (3) To hold public hearings in accordance with the provisions of Article IX,

§908, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

- (4) To authorize temporary nonconforming uses and extensions to nonconforming uses pursuant to §§405 and 406.
- (5) To refer to the Planning Commission for review and recommendation, and to defer any decision thereon for a period of not more than thirty (30) days pending a report from the Commission, all applications or appeals which, in the opinion of the Board, warrant review by the Commission.
- (6) To maintain full public records of its business.

(Ord. 3-96, 10/18/1996)

#### §1003. ZONING PERMITS.

1. A zoning permit shall be required prior to the construction, erection, addition or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land; and prior to the change or extension of a nonconforming use.
2. Zoning permits shall be issued in duplicate and one (1) copy shall be conspicuously displayed on the premises affected until permitted work is completed. No owner, contractor, workman or other person shall perform building operations of any kind unless a zoning permit covering such operation has been previously issued, and is being displayed as required by this Chapter, nor shall they perform building operations of any kind after notification of the revocation of said zoning permit.
3. The Zoning Officer may revoke a zoning permit at any time if it appears that the application or accompanying plan is in any respect false or misleading, or that work being done upon the premises differs from that called for in the application. In such case, the person holding the permit shall immediately cease all work and surrender the permit and all copies thereof to the Zoning Officer. Before issuing a new zoning permit, the Zoning Officer may require the applicant to file an indemnity bond in favor of the Borough with sufficient surety conditioned for compliance with this Chapter and all building laws and ordinances then in force, and in a sum sufficient to cover the cost of removing the building if it does not so comply.

(Ord. 3-96, 10/18/1996)

#### §1004. OCCUPANCY PERMITS.

1. An occupancy permit, issued in duplicate, certifying that the premises comply with the provisions of this Chapter and may be used for the purposes set forth in the permit, shall be secured from the Zoning Officer after inspection and prior to the use or occupancy of any building or structure, or part thereof for which a zoning permit is

required, or for any change of use of any existing building or structure or part thereof, or for any change of use of land. A copy of the occupancy permit shall be kept at all times upon the premises, and shall be displayed upon request made by any officer of the Borough. A record shall be kept of all occupancy permits, and the original application shall be kept in the office of the Zoning Officer.

2. Application for an occupancy permit shall be made in writing on a form furnished by the Zoning Officer setting forth such facts as the Zoning Officer may require.
3. An occupancy permit, once granted, shall continue in effect so long as there is no change of use, and so long as the terms of the initial occupancy permit application remain unchanged, regardless of any change in the personnel of tenants or occupants.

(Ord. 3-96, 10/18/1996)

#### §1005. CERTIFICATE OF NONCONFORMANCE.

An application for a certificate of nonconformance shall be made to the Zoning Officer, on forms provided by the Zoning Officer, by the owner of any property which, at the time of the effective date of this Chapter, does not conform to the provisions of this Chapter. Such application shall be made within eighty (80) days after the effective date of this Chapter, and the application shall set forth in detail all of the nonconforming conditions of said property. Upon approval of the application, the Zoning Officer shall issue a certificate of nonconformance to the property owner. This certificate shall be for the purpose of insuring to such property owner the right to continue a nonconforming building or use in accordance with the regulations of this Chapter. A copy of the certificate of nonconformance shall be retained by the Zoning Officer to serve as proof of registration of the nonconforming use.

(Ord. 3-96, 10/18/1996)

#### §1006. APPEALS.

All zoning appeals shall be made in compliance with Article X of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

(Ord. 3-96, 10/18/1996)

#### §1007. CONDITIONAL USES.

1. Conditional uses shall, upon application therefor, be allowed or denied by the Mount Carmel Borough Council. The Council shall refer applications for conditional uses to the Mount Carmel Borough Planning Commission for review and recommendation and shall defer any decision thereon for a period of at least thirty (30) days, but not more than sixty (60) days; pending a report from the Commission. Decisions of the Borough Council to allow or deny conditional uses shall be based upon the general and specific standards and criteria set forth in this Part.

2. Application for conditional uses shall be made to the Borough Council, and shall be accompanied by a written statement, in triplicate, describing the tract of land and its intended use, and a site plan of the proposed development of the tract of land. A copy of the application shall be forwarded to the Zoning Officer and to the Planning Commission. The application for conditional use shall include the following:
  - A. A written statement which shall include the following information:
    - (1) Location of the tract of land.
    - (2) Present use(s) of adjoining tracts of land.
    - (3) Present use of the tract for which the conditional use is requested.
    - (4) The type of conditional use for which the application is being made.
    - (5) A brief description of the type and extent of activities which will be conducted in the course of the conditional use being requested.
    - (6) The names and addresses of the applicant, the owner of the tract, the developer of the conditional use and the name of the person or organization who will operate the conditional use.
  - B. A site plan which shall be drawn to a scale sufficient to clearly show the features of the tract, and shall show:
    - (1) Title block containing the name and address of the developer and/or landowner, date, scale, and the name and address, and profession of the preparer of the plan.
    - (2) Tract boundaries showing bearings and distances.
    - (3) Existing significant natural or manmade features of the site.
    - (4) Existing and proposed streets, rights-of-way, easements, means of access and setback lines.
    - (5) Existing buildings, sewers, water mains, culverts, transmission lines and fire hydrants on or adjacent to the site.
    - (6) Proposed grading and drainage plan, if applicable.
    - (7) Proposed plan of any landscaping of the tract showing all paved and planted areas, fences or screening.
    - (8) Plans of any proposed sanitary sewer system, storm sewer system and water supply and distribution system.
    - (9) Location, size and floor plan of all proposed buildings or structures.

- (10) Proposed use of all buildings or structures and open or enclosed areas of the tract.
  - (11) Provisions for ingress, egress and off-street parking and loading areas.
  - (12) The location and elevation of the floodway and one hundred (100) year flood boundaries, if applicable.
  - (13) Flood protection or flood proofing plan(s), if applicable.
- C. In cases where little site improvement or development is required for a proposed conditional use, the Borough Council may waive the requirement for submittal of any information it deems unnecessary for its review of the application.
3. General Criteria for Conditional Uses. The Borough Council shall, in making decisions on each application for a conditional use, consider the following:
- A. The purpose of the zoning district in which a requested conditional use is to be located, and the compatibility of the requested conditional use with existing, proposed and potential land uses on adjacent tracts of land.
  - B. Whether the specific site is an appropriate location for the proposed use, structure or condition.
  - C. Whether the proposed use would adversely affect the neighborhood in which it is to be located or would adversely affect the overall Borough.
  - D. Whether the proposed use would create undue nuisance or serious hazard to vehicles or pedestrians.
  - E. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
  - F. Whether the economic, noise, glare or odor effects of the proposed use would adversely impact adjoining properties and other properties in the district.
  - G. Whether the proposed conditional use is compatible with the Borough's Comprehensive Plan.
  - H. If the proposed conditional structure or use is to be in a Floodplain Conservation District, whether satisfactory measures have been taken to comply with the floodplain management provisions of the Borough's Building Code [Chapter 5], in particular Article XIX thereof, and all other applicable codes and ordinances. In addition, the Borough Council shall give consideration to the following factors for conditional uses that are proposed to be located in Floodway Conservation District (P):
    - (1) The danger to life and property due to increased flood heights or

velocities caused by encroachments.

- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners and adjacent or downstream property owners.
  - (5) The importance of the services provided by the proposed facility to the community.
  - (6) The requirements of the facility for a waterfront location.
  - (7) The availability of alternative locations, not subject to flooding, for the proposed use.
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - (10) The ease and safety of site access during times of flooding for both ordinary and emergency vehicles.
  - (11) The expected height, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
  - (12) Such other factors which are relevant to the flood protection purposes of this Chapter.
- I. Whether satisfactory provisions and arrangements have been made concerning the following:
- (1) Ingress and egress to the property and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, flood or other catastrophe.
  - (2) Off-street parking and loading areas.
  - (3) Utilities and services with reference to location, availability and compatibility.
  - (4) Screening and buffering with reference to type, dimensions and character.

- (5) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - (6) Required yards and open spaces.
4. General Standards for Conditional Uses. The Borough Council may require more restrictive standards than the minimum standards listed in this Chapter for permitted uses of any zone in which a conditional use may be requested, and may attach any other reasonable conditions pertaining to the development and operation of a requested conditional use as it may deem necessary to implement the purposes of this Chapter.
5. Specific Standards Applying to All Conditional Uses. The following specific standards shall apply to all conditional uses; they shall be considered minimums and more restrictive standards may be required. Pertinent standards set forth in other Sections of this Chapter shall be considered minimum standards and shall be supplemented by the following additional standards:
  - A. Outdoor Storage Areas.
    - (1) Outdoor storage of trash or refuse shall be stored so as to not create a health or safety hazard.
    - (2) Outdoor storage of machinery, equipment or materials shall be effectively screened from adjacent residential or commercial uses and public roads by natural plantings, preferably evergreen or attractive fences approved by Borough Council.
6. Change From One Nonconforming Use to Another as a Conditional Use. The Borough Council may allow as a conditional use a change from one (1) nonconforming use to another, or the extension of a nonconforming use; provided the use as changed or extended will be no more objectionable or detrimental to the neighborhood, nor substantially different from the prior nonconforming use. Any extension shall be made only in a structure or part thereof designed for a nonconforming use, and no structural alterations shall be made in connection with any change or extension of a nonconforming use, except those required by law or this Chapter. The Council may attach reasonable conditions and safeguards as it may deem necessary or appropriate to serve the purposes of this Chapter. Prior to granting or denying such a change from one (1) nonconforming use to another, the Borough Council shall submit such application to the Mount Carmel Borough Planning Commission for review and recommendation and shall defer any decision thereon for a period of at least thirty (30) days but not more than sixty (60) days pending a report from the Commission.

(Ord. 3-96, 10/18/1996)

§1008. VARIANCES.

1. Board May Authorize Variance. Upon application or approval, and after giving notice as hereinafter prescribed, and after public hearing, and subject to appropriate safeguards and conditions for the protection of the public and of neighboring properties, the Zoning Hearing Board may, for a use permitted in the district, vary the strict application of any of the requirements of this Chapter; provided that strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.
2. Required Findings for Variances. No variance from the strict application of any provision of this Chapter shall be granted by the Zoning Hearing Board unless a variance application is filed with the Board and the Board finds the following:
  - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
  - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - C. That such unnecessary hardship has not been created by the applicant.
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
3. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
4. Variances In Flood Hazard Areas. Variances in flood hazard areas, as defined, shall be subject to the following provisions in addition to the provisions of §1008(1), (2) and (3):
  - A. Variances shall not be granted by the Zoning Hearing Board for structures or uses in the designated floodway if such structures or uses would increase the one hundred (100) year flood level.
  - B. Variances may be granted by the Zoning Hearing Board for new construction

or substantial improvements to be erected, in flood hazard areas, on lots of one-half (1/2) acre or less in size if such lot or lots are contiguous to and surrounded by lots with existing structures that were previously constructed below the elevation of the one hundred (100) year flood and further subject to the provisions of subsections (C), (D), (E) and (F) below.

C. Variances may be granted by the Zoning Hearing Board only if:

- (1) The applicant has shown good and sufficient cause.
- (2) A determination has been made by the Zoning Hearing Board that failure to grant the variance would result in exceptional hardship to the applicant.
- (3) A determination has been made by the Zoning Hearing Board that granting the variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense; and, further, that such variance would not create nuisances, cause fraud on or victimization of the public, or conflict with existing laws, codes and ordinances.

D. Variances shall only be granted by the Zoning Hearing Board if a determination has been made that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. If a variance is granted by the Zoning Hearing Board, the Zoning Officer shall notify the applicant, in writing, of the following:

- (1) That the issuance of a variance to construct a structure below the one hundred (100) year flood level will result in increased flood insurance premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage.
- (2) That construction below the one hundred (100) year flood level increases risk to life and property.

Such notifications by the Zoning Officer shall be kept as part of the record of item subsection (F), immediately below.

F. The Borough shall:

- (1) Maintain a record of all variance actions granted by the Zoning Hearing Board including justification for the issuance of such variances.
- (2) Report such variances granted by the Zoning Hearing Board in the Borough's annual report submitted to the Flood Insurance Administrator.

G. Variances may be granted by the Zoning Hearing Board for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the Commonwealth's Inventory of Historic Places, without

regard for the provisions of this Section of this Chapter.

(Ord. 3-96, 10/18/1996)

**§1009. NOTICE OF PUBLIC HEARING.**

1. Upon filing of an appeal or of an application for a variance, as required by the terms of this Chapter, the Zoning Hearing Board shall fix a time and place for a public hearing thereon as follows:
  - A. By advertising the hearing at least once in a newspaper of general circulation in the Borough, at least one (1) week in advance of such hearing.
  - B. By personal service or by mailing by registered mail a notice of the hearing to the applicant.
  - C. By mailing or delivering a notice of the hearing to the Borough Secretary, the Zoning Officer and the Borough Planning Commission.
  - D. By conspicuously posting notice of said hearing on the affected property or tract of land.
  - E. Applicant shall deliver a copy of the notice of hearing to the occupant of every lot within two hundred (200) feet of the lot or building in question; provided that failure to give such notice as specified in this subsection shall not invalidate any action taken by the Board.

(Ord. 3-96, 10/18/1996)

**§1010. ENFORCEMENT REMEDIES.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 3-96, 10/18/1996)

### §1011. CAUSES OF ACTION.

In case any building, structure, land or land use is or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with approval of the Borough Council, an officer of the Borough, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, land or land use, or to prevent, in or about such premises, any act, business or use constituting a violation.

(Ord. 3-96, 10/18/1996)

### §1012. ENFORCEMENT NOTICE.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - A. The name of an owner of record and any other person against whom the Borough intends to take action.
  - B. The location of the property in violation.
  - C. The specific location with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 3-96, 10/18/1996)

**§1013. FILING FEES.**

Fees shall be paid, at the Borough Office, upon filing for zoning permits, variance applications, reclassifications or amendments, certificates of nonconformance and occupancy permits. The fees for such shall be paid in accordance with the most current fee schedule fixed by the Mount Carmel Borough Council by resolution.

(Ord. 3-96, 10/18/1996)



**PART 11****LEGAL PROVISIONS****§1101. INTERPRETATION AND CONFLICT.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety and the general welfare of the Borough and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough, which are not in conflict with any provisions of this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by this Chapter, rules, regulations, or permits or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall apply.

(Ord. 3-96, 10/18/1996)

**§1102. AMENDMENTS.**

1. A proposal to amend this Chapter may be submitted to the Borough Council by any resident of the Borough. Such proposal shall contain a description of the area involved, a statement of the present and proposed zoning regulations to be applied to the area, the reasons for requesting the zoning change, and the name(s) and address(es) of the owner(s) of the property involved.
2. A proposal to amend this Chapter may be initiated by the Borough Council or the Borough Planning Commission.
3. The Borough Council shall refer any proposed amendment to the Borough Planning Commission for review, except where the proposed amendment has been prepared by the Borough Planning Commission. The Borough Planning Commission shall review the proposal for conformance with the Comprehensive Plan and the purposes of this Chapter and shall make a written report, together with any recommendations, to the Borough Council within sixty (60) days from the date of such referral.
4. If the Borough Planning Commission shall fail to file such a report within sixty (60) days from the date of such referral, it shall be conclusively presumed that the Borough Planning Commission has approved the proposed amendment.
5. After the filing of such report by the Borough Planning Commission with the Borough Council, or upon the presentation of a proposed amendment which has not been acted upon by the Borough Planning Commission within the sixty (60) days specified above, the Borough Council shall hold a public hearing on the proposed amendment. Notice of the proposed amendment and hearing thereon shall be published in a newspaper

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of general circulation in the Borough once a week for two (2) successive weeks, and said notice shall be given not more than thirty (30) days and not less than fourteen (14) days in advance of the public hearing.

6. After the public hearing, the Borough Council shall take such action, with respect to the proposed amendment, as it shall deem advisable. If, after the public hearing, the proposed amendment is revised to include land previously not affected by the initial amendment the Borough Council shall hold another public hearing before proceeding to vote on the amendment.
7. Upon approval of the proposed amendment, adopted in accordance with the above procedure, such amendment shall be forthwith published as provided by law and the Official Zoning Map shall be revised accordingly, if the nature of the amendment necessitates revision of the map.
8. Any amendments proposed to the boundaries of the Floodway Conservation District (F) shall be subject to the review and approval of the Federal Insurance Administration prior to action on said proposed amendments by the Borough Council.

(Ord. 3-96, 10/18/1996)

### §1103. BOROUGH LIABILITY.

The granting of a permit for the construction, erection, addition, alteration, or use of a structure or land shall not constitute a representation, guarantee or warranty of any kind or nature by the Borough of Mount Carmel or an official, employee or appointee thereof, of the safety of any structure or use from any cause whatsoever, and shall create no liability upon, or a cause for action against the Borough or any such official, employee or appointee for any damage that may result pursuant thereto.

(Ord. 3-96, 10/18/1996)

### §1104. COSTS.

All fees and costs of permits, surveys, investigations plus any other charges for documentation and supporting material in any repeal or request for amendment or variance shall be at the applicant's expense.

(Ord. 3-96, 10/18/1996)

**PART 12****GLOSSARY OF ZONING TERMS****§1201. DEFINITIONS.**

In this Chapter, unless the context otherwise requires, the following expressions have the meanings herein indicated. Words used in the present tense include the future. The singular number includes the plural and vice versa. The word "shall" is mandatory, not directory. The word "may" is permissive. The words "used" or occupied" include the words "intended, designed, or arranged to be used or occupied." Unless specifically defined herein, words and phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage.

**ABANDONMENT** - the visible or otherwise apparent discontinuance of the use or nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a use or nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the use or nonconforming use or structure.

**ACCESSORY USE** - a use on the same lot as the principal use serving a purpose customarily incidental to the principal use.

**ACCESSORY BUILDING or STRUCTURE** - a subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

**ALTERATION** - any construction or activity resulting in a change in the structural parts or in the height, number of stories, size or location of a lot, building or structure.

**APPLICANT** - a landowner, or person with the written consent of the landowner, who has filed or desires to file an application for a zoning permit.

**ARTERIAL or COLLECTOR STREET or HIGHWAY** - A street or highway for the distribution of vehicles to areas of development or employment, designed for efficient movement of traffic. This term applies to those streets or highways identified as arterial or collector streets or highways in the Comprehensive Plan and includes all numbered United States or Pennsylvania highways, namely: Fifth Street, Mount Carmel Avenue, Hickory Street, Oak Street and Third Street.

**AUTOMATIC CAR WASH** - a structure used primarily for washing vehicles using a vehicle conveyor and/or automatic equipment.

**AUTOMOTIVE SERVICE STATION** - a premises used primarily for the retail sale of motor fuel, which may include self service islands, incidental services such as maintenance, lubrication and washing of vehicles; the sale, installation or repair of tires, batteries or other vehicle accessories and the supplying of incidental motorist needs.