

## CHAPTER 27

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Part 1  
Enactment

§101. Short Title. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Emporium." The map, showing the division of the Borough into the designated zoning districts, shall be known as the "Zoning District Map." The said map shall be an integral part of this Chapter. (Ord. 264, 9/6/1960, §101)

§102. Predomination over Other Laws.

1. The provisions of this Chapter shall control wherever they impose greater restrictions (on the use of land, or on the use or height of structures, or on the size of yards or other open spaces, or on the density of population) than those imposed by other laws, ordinances, rules, regulations, or permits, or by easements, agreements, or covenants.

~~2. In interpreting and applying the provisions of this Chapter, they~~ shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of the Borough of Emporium. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough of Emporium except that where this Chapter imposes greater restrictions upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Chapter shall control.

(Ord. 264, 9/6/1960, §103)

§103. Effective Date. The effective date of this Chapter shall be ten (10) days after passage and upon being signed by the Mayor and being attested by the Secretary of the Borough Council. (Ord. 264, 9/6/1960, §105)

§104. Public Records. This Chapter, including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested persons in the office of the Zoning Officer. (Ord. 264, 9/6/1960, §106)



Part 2  
Definitions

§201. Definitions. For the purpose of use in this Chapter, the following terms and words are herein defined. Words used in the present tense include the future tense; the singular number includes the plural and vice versa; the words "used for" or "used by" include the meaning "designed or redesigned for."

ACCESSORY USE - a use customarily clearly incidental and subordinate to the principal use of the main structure or land, such as the following:

(1) FARM BUILDING - barn, silo, etc.

(2) GREENHOUSE - accessory to a dwelling and used exclusively by occupants of the premises to cultivate plants as an avocation.

(3) HOME OCCUPATION - carried on within the dwelling structure, by the resident thereof, as a customary secondary use in connection with which there is no person employed, no display, no sign other than a name plate, no mechanical equipment other than normal domestic or household equipment, and no selling of a commodity on the premises; provided, such use does not occupy more than twenty-five (25) percent of the total floor area of one (1) floor, and does not require internal or external structural alterations or involve construction features not customary in dwellings.

(4) HOME OFFICE - of a doctor of medicine or minister of religion, situated in a dwelling unit which is the home of the practitioner, provided that not more than one (1) assistant is employed, no colleagues or associates use such office, and no sign is used other than a name plate.

(5) LOADING SPACE.

(6) MINOR GARAGE or PARKING AREA.

(7) SCREENING WALL or FENCE - as regulated under §1103(8).

(8) SIGN or SIGNBOARD - as prescribed in Part 12.

BASEMENT - a story partly below ground and having one-half ( $\frac{1}{2}$ ) or more of its height above the average level of the adjoining ground.

BASIC GRADE - the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the traveled roadway shall apply.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 412]

**BUILDING** - a structure having a roof supported by columns or walls which is permanently affixed to the land, and which is used for the housing or enclosure of persons, animals, or chattels. [Ord. 326]

(1) **GARAGE** - a building or portion thereof, used for the storage and/or service of motor vehicles.

(a) **COMMUNITY** - one (1) garage, or a group of detached garages arranged in a row or surrounding a common means of access, one (1) story in height, and used exclusively for the parking of automobiles by residents, customers, or persons engaged in conduct of establishments in the immediate vicinity of its location.

(b) **MAJOR** - any garage not included within the definition of "minor" or "community garage."

(c) **MINOR** - a detached accessory building, or portion of a main building, for the parking or temporary storage of automobiles belonging to occupants of the premises.

(2) **MAIN** - the building housing the principal use of the lot on which it is located.

(3) **UNIT GROUP** - two (2) or more main buildings grouped upon a single zoning lot, such as shopping center, school, church, hospital, institutional, or industrial plants.

**HEIGHT OF BUILDING** - the vertical distance and the number of stories measured from the basic grade to:

(1) The highest point of the roof adjacent to the front wall, for flat roofs.

(2) The deck line of mansard roofs.

(3) The mean height between eaves and ridge, for gabled, hipped, or gambrel roofs.

**COMMON OPEN SPACE** - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 412]

**CONDITIONAL USE** - a use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq. [Ord. 412]

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

(1) **TYPE "A"** - a court completely surrounded by building walls, or by building walls and an interior lot line.

(2) **TYPE "B"** - any court other than a "Type 'A'" court.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies. [Ord. 412]

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The Borough Council;
- (2) The Zoning Hearing Board; or
- (3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 412]

DWELLING - any building or portion thereof, which is used for residence, except hotels.

- (1) ONE (1)-FAMILY DWELLING - a building designed for and used exclusively for occupancy by one (1) family.
- (2) MULTIPLE-FAMILY DWELLING - a building designed for and used exclusively for occupancy by three (3) or more families.
- (3) ROOMING HOUSE - a dwelling containing not more than one (1) dwelling unit, where lodging is provided for more than two (2) persons in addition to the family unit.
- (4) ROW DWELLING - a multiple-family dwelling consisting of one (1)-family dwelling units attached side by side.
- (5) TWO (2)-FAMILY DWELLING - a building designed for and used exclusively for occupancy by two (2) families.

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 so related (not counting servants) living together as a single household.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 412]

LOT, ACCREDITED ZONING - a lot in an "S" or "R" District which:

- (1) Fronts upon a street.
- (2) Is sufficient in size to meet the requirements for a one (1)-family dwelling and provide a buildable area of the lot twenty-five (25) feet square.

(3) By documentary evidence acceptable to the Zoning Officer, is shown to be, prior to and continuously since the effective date of this Chapter, in separate and distinct ownership from all abutting land.

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

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

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

LOT, ZONING - a parcel of land, fronting on a street, which is or may be occupied by a main structure or a unit group of buildings with accessory uses and structures and the open spaces required under this Chapter.

(1) BUILDABLE AREA - that portion of a zoning lot bounded by the required front, side, and rear yards; when a yard is not required, the boundary is the lot line.

(2) LOT AREA - the total space within the boundary lines of a zoning lot, not including any part of a street or alley.

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

(4) LOT WIDTH - the distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

MEMBERSHIP CLUB - a chartered, non-profit organization, the primary purpose of which is the advancement of its members or of the community in educational, fraternal, cultural, or civic pursuits and activities.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 412]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 412]

NONCONFORMING SIGN - a sign lawfully existing at the time of the enactment of this Chapter (or as later amended), which does not conform to the sign regulations applicable in the district in which it is located.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this

Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 412]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 412]

PARKING AREA - an open space other than a street or alley used exclusively for the parking of automobiles.

(1) COMMUNITY - a parking area used exclusively by the residents, customers, or the person engaged in conduct of establishments in the immediate vicinity of its location.

(2) MINOR - a parking area which is an accessory use on the same zoning lot.

PUBLIC GROUNDS - includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

(3) Publicly owned or operated scenic and historic sites.

[Ord. 412]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 412]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 412]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 412]

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other

parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 412]

**SIGN** - any surface, fabric, device, or structure bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view.

**SPECIAL EXCEPTION** - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 412]

**STREET** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 412]

**STRUCTURE** - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 412]

(1) **ACCESSORY** - a detached, subordinate structure, embodying an accessory use.

(2) **HEIGHT OF (OTHER THAN A BUILDING)** - the vertical distance measured from the basic grade to the highest point of structure.

**VARIANCE** - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 412]

**YARD** - an open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky except as otherwise provided, and not including any portion of a street or alley.

(1) **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.

(2) **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.

(3) **SIDE** - a yard abutting a side lot line, extending from the front yard to the rear yard, 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. 264, 6/6/1960, Art. 2; as amended by Ord. 326, 1/4/1971, §1; and by Ord. 412, 10/4/1993)

## Part 3

## Classification of Districts

§301. Seven (7) Classes of Districts. The Borough of Emporium is hereby divided into seven (7) classes of districts for the purpose of applying the provisions of this Chapter. These districts are:

- "S" - Conservancy District
- "R2" - One (1)-Family and Two (2)-Family Residence District
- "R3" - Multiple-Family Residence District
- "C1" - Commercial District
- "C2" - Business District
- "M1" - Light Industrial District
- "M2" - Heavy Industrial District

(Ord. 264, 9/6/1960, §301)

§302. Zoning District Map. The boundaries of the districts listed in §301 are designated on the Zoning District Map which, together with all the information recorded thereon, is hereby made a part of this Chapter. (Ord. 264, 9/6/1960, §302)

§303. Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Map, the following rules shall apply:

A. Where the indicated boundaries on the Zoning District Map are approximate lot lines or property lines, said lines shall be construed to be the boundaries of such district, unless otherwise indicated.

B. Where the indicated boundaries on the Zoning District Map are approximately public rights-of-way, the center lines of said public rights-of-way shall be construed to be the boundaries.

C. Where the indicated boundaries are dimensioned on the Zoning District Map, said dimensions shall determine the boundaries.

D. Where the indicated boundaries are not approximately lot or property lines or public rights-of-way, and where said boundaries are not dimensioned, the boundaries shall be determined by scaling on the Zoning District Map.

E. Where the indicated boundaries on the Zoning District Map are not approximately lot lines or property lines or public rights-of-way, and said boundaries thus divide property into two (2) or more district classifications, said boundary lines shall be considered the same as property lines for the purpose of applying the regulations of this Chapter.

(Ord. 264, 9/6/1960, §303)



## Part 4

## "S" - Conservancy District

§401. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

A. Agricultural uses, limited to field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, and orchards, not including roadside displays or commercial signs. (See §1103(10).)

B. Recreation area, when operated by a non-profit organization.

C. Reforestation and public reservation, not involving sales, or advertising, on the premises. (See §1103(10).)

D. Conditional Use. It is not the intention that the "S" District is contemplated for the following uses, but with the realization that certain parts of such district may be developed to meet health and safety requirements without interfering with any other features of zoning, the following conditional uses, as prescribed in Part 13, may be accepted under circumstances prescribed thereunder:

(1) Municipal building. (See §1301(6).)

(2) One (1)- family dwelling. (See §1301(7).)

(3) Public utility corporation buildings, structures, facilities and installations. (See §1301(8).)

E. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including:

(1) Temporary structure or use in connection with an authorized use. (See §1403(B)(1).)

(2) Gas regulator station; electric substation; greenhouse; horticultural nursery; or community garage or community parking area, on an accredited zoning lot. (See §1403(B)(2)(A).)

F. Accessory use. (See §201.)

G. Signs, as prescribed in Part 12.

H. Required automobile parking space and loading space, as prescribed in §§1104 and 1105.

(See "General Use Provisions and Exceptions," §1101.)

(Ord. 264, 9/6/1960, §401)

§402. Height. The maximum heights of structures, except as otherwise provided, in this district shall be:

A. Thirty (30) feet (not exceeding two (2) stories) for a one (1)-family dwelling.

B. Forty-five (45) feet (not exceeding three (3) stories) for other main structures.

C. Sixteen (16) feet (not exceeding one (1) story) for accessory structures.

(See "General Height Provisions and Exceptions," §1102.)

(Ord. 264, 9/6/1960, §402)

§403. Area. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

A. Front Yard Depth. Twenty-five (25) feet. (See §1103(3).)

B. Side Yard Width.

(1) Fifteen (15) feet on each side.)

(2) A side yard abutting a street shall be not less in width than the depth of front yard required on the adjoining lot on that street.

C. Rear Yard Depth. Thirty-five (35) feet. (For through lot, see §1103(4).)

D. Lot Area per Family. Ten thousand (10,000) square feet.

E. Lot Width.

(1) Interior lot, one hundred (100) feet.

(2) Corner lot, one hundred and twenty-five (125) feet.

(See "General Area Provisions and Exceptions, §1103.)

(Ord. 264, 9/6/1960, §403)

## Part 5

## "R2" - One (1)-Family and Two (2)-Family Residence District

§501. Use. In this district, the land and structures may be used, and structures may be erected altered, enlarged, and maintained for the following uses only:

- A. One (1)-Family Dwelling.
- B. Two (2)-Family Dwelling.
- C. Agricultural uses, limited to field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards; not including roadside displays or commercial signs. (See §1103(10).)
- D. Playground or park (non-profit), or publicly-owned recreation area. (See §1101(4).)
- E. Public library. (See §1101(4).)
- F. Conditional use, as prescribed in Part 13, including:
  - (1) Educational, philanthropic, or religious institution, or unit group building thereof. (See §1301(2).)
  - (2) Large-scale multiple-family housing development, or unit group building thereof. (See §1301(5).)
  - (3) Municipal building. (See §1301(6).)
  - (4) Public utility corporation buildings, structures, facilities, and installations. (See §1301(8).)
- G. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including:
  - (1) Community garage or community parking area. (See §1403(B)(3).)
  - (2) One (1)-family dwelling on a recorded lot insufficient in size to meet the area requirements. (See §1403(B)(7).)
  - (3) One (1)-family dwelling without the required automobile parking space. (See §1403(B)(3).)
  - (4) Temporary structure or use in connection with an authorized use. (See §1403(B)(1).)
- H. Signs, as prescribed in Part 12.
- I. Required automobile parking space and loading space, as prescribed in §§1104 and 1105.

(See "General Use Provisions and Exceptions," §1101)

(Ord. 264, 9/6/1960, §501)

§502. Height. The maximum heights of structures, except as otherwise provided, in this district shall be:

A. Thirty (30) feet (not exceeding two (2) stories) for a one (1)-family or a two (2)-family dwelling.

B. Forty-five (45) feet (not exceeding three (3) stories) for other main structures.

C. Sixteen (16) feet (not exceeding one (1) story) for accessory structures.

(See "General Height Provisions and Exceptions," §1102)

(Ord. 264, 9/6/1960, §502)

§503. Area. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

A. Front yard depth. Fifteen (15) feet. (See §1103(3).)

B. Side yard width. Two (2) required.

(1) One (1)-family dwelling or two (2)-family dwelling. Five (5) feet on one (1) side; fifteen (15) feet total both sides.

(2) Other than the uses listed in Subsection (1) above. Fifteen (15) feet.

(3) A side yard abutting a street shall be not less in width than the depth of front yard required on the adjoining lot on that street; provided that on a corner lot, for a one (1) or two (2)-family dwelling, the side yard not abutting a street shall be not less than five (5) feet in width.

C. Rear yard depth. Twenty (20) feet. (See §1103(4).)

D. Lot area per family.

(1) One (1)-family dwelling. Five thousand (5,000) square feet.

(2) Two (2)-family dwelling. Twenty-five hundred (2,500) square feet.

E. Lot width.

(1) One (1)-family dwelling or two (2)-family dwelling. Interior lot, fifty (50) feet; corner lot, sixty-five (65) feet.

(2) Other than the uses listed in Subsection (1) above. Interior lot, sixty (60) feet; corner lot, seventy-five (75) feet.

(Ord. 264, 9/6/1960, §503)

§504. Area Exceptions. Area requirements shall not be held to prohibit the erection of a one (1)-family dwelling on an accredited zoning lot, in which instance the following shall be applicable:

A. A rear yard may be reduced, when the depth of said lot is less than sixty (60) feet, provided the rear yard depth is at least four-fifths (4/5) of the buildable area depth.

B. Side yard widths may be reduced when the width of said lot is less than forty (40) feet, provided the side yard width on one (1) side is at least one-fifth ( $1/5$ ) of the buildable area width, and the total of both side yards is at least three-fifths ( $3/5$ ) of the buildable area width.

(See "General Area Provisions and Exceptions," §1103.)

(Ord. 264, 9/6/1960, §504)



## Part 6

## "R3" - Multiple-Family Residence District

§601. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only:

- A. Any use permitted in the "R2" District, §501.
- B. Multiple-family dwelling, except a row dwelling exceeding six (6) units in length.
- C. Conditional use, as prescribed in Part 13, including:  
Hospital or sanitarium or nursing home or unit group building thereof. (See §1301(4).)
- D. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including:
  - (1) Funeral home. (See §1403(B)(5)(a).)
  - (2) Membership club. (See §1403(B)(5)(b).)
  - (3) Rooming house. (See §1403(B)(5)(c).)
  - (4) Tourist home. (See §1403(B)(5)(d).)

(See "General Use Provisions and Exceptions, §1101.)

(Ord. 264, 9/6/1960, §601)

§602. Height. The maximum heights of structure, except as otherwise provided, in this district shall be:

- A. Thirty (30) feet (not exceeding two (2) stories) for a one (1)-family dwelling, two (2)-family dwelling, or row dwelling.
- B. Same as in the "R2" District for other structures, §502.

(Ord. 264, 9/6/1960, §602)

§603. Height Exceptions. The height of a multiple-family dwelling other than a row may be increased; provided:

- A. The building is set back from the permitted side and rear building lines, five (5) feet plus three (3) feet for each story over three (3), or five (5) feet plus one (1) foot for each three (3) feet or fraction thereof of building height over forty-five (45) feet, whichever results in the greater dimension.
- B. The building is set back from the permitted front building line, three (3) feet for each story over three (3), or one (1) foot for each three (3) feet or fraction thereof of building height over forty-five (45) feet, whichever results in the greater dimension.
- C. No story is less than nine (9) feet in height.
- D. No portion of the building is closer than one hundred (100) feet to any property in an "R2" District.

(See "General Height Provisions and Exceptions," §1102.)

(Ord. 264, 9/6/1960, §603)

§604. Area. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

- A. Front yard depth. Fifteen (15) feet. (See §1103-3.)
- B. Side yard width. Two (2) required.
  - (1) One (1)-family dwelling or two (2)-family dwelling. Five (5) feet on one (1) side; fifteen (15) feet total both sides.
  - (2) Row dwelling with entrance not facing a street. Twenty-five (25) feet adjoining entrance; twenty (20) feet not adjoining entrance.
  - (3) Other than the uses listed in Subsection (A) and (B) above. Fifteen (15) feet.
  - (4) A side yard abutting a street shall be not less in width than the depth of front yard required on the adjoining lot on that street; provided, that on a corner lot, for a one (1) or two (2)-family dwelling, a side yard not abutting a street shall be not less than five (5) feet in width.
- C. Rear yard depth (For through lot, see §1103(4).)
  - (1) Row dwelling with entrance not facing a street. Fifteen (15) feet.
  - (2) Other than the uses listed in Subsection (1) above. Twenty (20) feet.
- D. Courts. For multiple-family dwellings other than rows:
  - (1) Every court shall have between two (2) opposite facing walls thereof a horizontal dimension sixty (60) feet or more, except in the case of a type "B" court when the minimum horizontal dimension thereof is less than ten (10) feet.
  - (2) Any wall of a court, parallel or approximately parallel with an interior lot line, shall be at least thirty (30) feet therefrom.
  - (3) A type "A" court shall be permitted only at or below the permitted height of the third story of a building.
- E. Lot width.
  - (1) One (1)-family dwelling or two (2)-family dwelling. Interior lot, fifty (50) feet; corner lot, sixty-five (65) feet.
  - (2) Row dwelling. Ninety (90) feet.
  - (3) Other than the uses listed in Subsections (A) and (B) above. Interior lot, sixty (60) feet; corner lot, seventy-five (75) feet.

(Ord. 264, 9/6/1960, §604)

§605. Area Exceptions. Same as in the "R2" District, §504. (Ord. 264, 9/6/1960, §605)

## Part 7

## "C1" - Commercial District

§701. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only, and each enterprise shall:

A. Be conducted within an enclosed building unless otherwise specifically stated.

B. Be not objectionable because of odor, dust, smoke, noise, vibration, or similar causes.

C. Not exceed a gross floor area of ten thousand (10,000) square feet.

(1) Retail store (except when live poultry and other live animals are kept on the premises), provided there is no manufacturing or processing except that which is incidental and essential to an enterprise in which merchandise is sold at retail primarily on the premises.

(2) Amusement enterprise.

(3) Automobile sales, including incidental and minor service and repair, provided that:

(a) Only service and repair activities need be conducted entirely within an enclosed building.

(b) All service and repair shall be conducted within not less than thirty (30) feet from the front of the building.

(c) There shall be no opening toward adjoining "R" Districts in the walls of the building housing the service and repair areas.

(See §1101(4).)

D. Barber shop or beauty parlor.

E. Beverages, retail or wholesale distribution of.

F. Catering establishment.

G. Clothes pressing and repair.

H. Club (with or without dwelling quarters).

I. Community garage or community parking area. (See §1101(4).)  
Need not be within an enclosed building.

J. Custom dressmaking, millinery, and tailoring.

K. Day nursery.

L. Financial institution.

M. Funeral home.

N. General photography (including blueprinting and photostating).

- O. Hotel or boarding house.
- P. Interior decorating business.
- Q. Laundry agency, or hand laundry, or laundry operated by customers.
- R. Library.
- S. Municipal building.
- T. Office.
- U. Optician's shop.
- V. Plumbing and heating and electrical business, not involving sheet metal work.
- W. Printing, minor or job.
- X. Real estate office.
- Y. Restaurant and bar, not providing live entertainment or dancing.
- Z. Shoe repair shop.
- AA. Studio: music, dance, art, photography, and the like.
- BB. Upholstering and minor repair of home or office furnishings.
- CC. Conditional use, as prescribed in Part 13, including:
  - (1) Philanthropic or religious institution, or unit group building thereof. (See §1301(2).)
  - (2) Public utility corporation buildings, structures, facilities, and installation. (See §1301(8).) Need not be within an enclosed building.
- DD. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including:
  - (1) Automobile service station. (See §1403(B)(6).)
  - (2) Temporary structure or use in connection with an authorized use. (See §1403(B)(1).) Need not be within an enclosed building.
- EE. Accessory use. (See §201, "Definitions.")
- FF. Sign, as prescribed in Part 12. Need not be within an enclosed building.
- GG. Required automobile parking space and loading space, as prescribed in §§1104 and 1105. Need not be within an enclosed building.
- HH. Any use permitted in "R3" District, §601.  
(See "General Use Provisions and Exceptions," §1101.)

(Ord. 264, 9/6/1960, §701)

§702. Height. The maximum height of structures, except as otherwise provided, in this district shall be:

A. Thirty (30) feet (not exceeding two (2) stories) for main structures.

B. Sixteen (16) feet (not exceeding one (1) story) for accessory structures.

(See "General Height Provisions and Exceptions, §1102.)

(Ord. 264, 9/6/1960, §702)

§703. Area. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

A. Front yard depth. Same as prescribed for any "R" District within one hundred (100) feet, in the same block, and on the same side of the street; otherwise, none required. (See §1103(3).)

B. Side yard width. None required except in the following instances:

(1) When abutting an "R" District., Fifteen (15) feet, landscaped and maintained.

(2) A side yard abutting a street. Not less in width than the depth of front yard required on the adjoining lot on that street.

C. Rear yard depth. Fifteen (15) feet, landscaped and maintained when abutting an "R" District; otherwise, none required. (For through lot, see §1103(4).)

D. Lot area. For a hotel or boarding house or club with dwelling quarters. Two thousand (2,000) square feet plus three hundred (300) square feet for each sleeping room in excess of four (4).

(See "General Area Provisions and Exceptions," §1103.)

(Ord. 264, 9/6/1960, §705)



## Part 8

## "C2" - Business District

§801. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only; and each enterprise shall be conducted within an enclosed building unless otherwise specifically stated, and be not objectionable because of odor, dust, smoke, noise, vibration, or similar causes:

A. Any use permitted in the "C1" District, §701, except automobile sales, community garage or community parking area.

B. Auditorium.

C. Baths (Turkish and the like).

D. Bicycle rental or repair.

E. Business college, trade, or proprietary school.

F. Cleaning establishment (using non-explosive and non-flammable cleaning fluids), excluding bag and rug cleaning.

G. Employment agency.

H. Frozen food storage, excluding wholesale storage.

I. Hospital for small animals (dogs, cats, and the like).

J. Ice, sale of; storage, not more than five (5) ton capacity.

K. Medical or dental clinic or laboratory.

L. Office.

M. Pawnshop.

N. Printing plant for local newspaper.

O. Radio or television broadcasting studio.

P. Restaurant and bar.

Q. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including:

(1) Community garage or community parking area, or major garage (See §1403(B)(4)). Need not be within an enclosed building.

R. Accessory use. (See §201, "Definitions.") Need not be within an enclosed building.

S. Signs, as prescribed in Part 12. Need not be within an enclosed building.

T. Required automobile parking space and loading space, as prescribed in §§1104 and 1105. Need not be within an enclosed building.

(See "General Use Provisions and Exceptions," §1101.)

(Ord. 264, 9/6/1960, §801)

§802. Height. The maximum heights of structures, except as otherwise provided, in this district shall be:

A. Forty-five (45) feet (not exceeding three (3) stories) for main structures.

B. Sixteen (16) feet (not exceeding one (1) story) for accessory structures.

(Ord. 264, 9/6/1960, §802)

§803. Height Exceptions. The height of a main building may be increased, provided:

A. The building or increased height portion thereof is set back from the permitted building lines one (1) foot for each four (4) feet of building height over forty-five (45) feet, or two and one-quarter (2¼) feet for each story over three (3), whichever results in the greater dimension.

B. The cubical content of the building does not exceed the cubical content of a solid having a base equal to the buildable area of the lot and a height of forty-five (45) feet.

C. No story is less than nine (9) feet in height.

(See "General Height Provisions and Exceptions, §1102)

(Ord. 264, 9/6/1960, §803)

§804. Area. Same as in the "C1" District, §703. (Ord. 264, 9/6/1960, §804)

## Part 9

## "M1" - Light Industrial District

§901. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only, provided that (unless otherwise noted) there be no retailing of a product on the premises, except that which is incidental and essential to the listed enterprise. Such uses shall be not objectionable because of odor, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter, or water-carried waste:

A. Automobile service, including: automobile sales; station for sale and service of fuel, lubricating oil, and accessories; major repair; painting; upholstering; tire retreading or recapping; battery manufacture, and the like. (See §1101(4).)

B. Boatbuilding, of only small boats.

C. Brewery.

D. Building materials sales and storage establishment.

E. Cleaning and dyeing establishment, using non-flammable cleaning fluids.

F. Community garage or major garage, or community parking area. (See §1101(4).)

G. Distribution plant, including parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishment. (See §1101(4).)

H. Feed and fuel sales establishment.

I. Foundry, casting or only lightweight non-ferrous metal.

J. Grain elevator.

K. Iron, steel, or other metal, fabrication (no foundry).

L. Laboratory: experimental, photo, or motion picture, film or testing.

M. Landscape gardener's sales area or business.

N. Laundry, when no portion thereof is nearer than two (200) feet to property classified as "R" District.

O. Lumber storage, millwork, and sales.

P. Machine shop.

Q. Machinery: repairing, sales, and display.

R. Manufacture, fabrication, and maintenance of: electric and neon signs; billboards; commercial advertising structures; light sheet metal and wire products, including heating and ventilating ducts and equipment (cornices, eaves, and the like).

S. Manufacturing, fabricating, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials; bone, canvas; cellophane; clay, cloth, cork;

feathers; felt, fiber; fur, glass, hair; horn, leather; paint not employing a boiling process; paper, plastics; precious or semi-precious metals or stones; shell, straw; textiles; tobacco; wood; and yarns.

T. Manufacturing, processing, packaging, or treatment of such products as beverages; cosmetics; drugs; perfumes, pharmaceuticals; perfumed toilet soap; and food products not including fish smoking, curing, or canning, rendering of fats and oils, or the slaughter of animals.

U. Manufacture; of: appliances, electrical or mechanical and components thereof; instruments and components thereof; electronic, musical, precision, or the like; machines, electric or mechanical, for home or office, and the like; phonographs, radios, telephones, or other instruments or machines for receiving, reproducing, or transmitting sound; watches and clocks, toys, novelties, and rubber and metal hand stamps.

V. Municipal building.

W. Planing mill.

X. Plumbing, heating, or electrical contracting business.

Y. Printing, lithographing, type composition, ruling, and binding establishment.

Z. Public utility corporation buildings, structures, facilities, and installations. (See §1101(3).)

AA. Repair shop, other than a railroad major repair shop.

BB. School, industrial trade.

CC. Selling of poultry, rabbits, and fish, including the cleaning and dressing, and the temporary keeping of live poultry on the premises.

DD. Stone or monument works.

EE. Storage, not including: gunpowder, fireworks, gases, or other explosives, or inflammables; garbage, offal, or dead animals; petroleum and petroleum by-products in excess of an amount necessary for consumption on the premises; rags, paper, metal, or junk.

FF. Veterinary establishment.

GG. Wholesale business (except where live animals and poultry are kept on the premises).

HH. Special exception permitted by the Zoning Hearing Board, as prescribed in Part 14, including temporary structure or use in connection with an authorized use. (See §1403(B)(1).)

II. Accessory use. (See §201, "Definitions.")

JJ. Signs, as prescribed in Part 12.

KK. Required automobile parking space and loading space, as prescribed in §§1104 and 1105.

LL. Any use permitted in the "C2" District, §801.

(See "General Use Provisions and Exceptions," §1101.)

(Ord. 264, 9/6/1960, §901)

§902. Height. The maximum heights of structures, except as otherwise provided, in this district shall be:

A. Main structure. Eighty-five (85) feet.

B. Accessory structure. Sixteen (16) feet (not exceeding one (1) story).

(See "General Height Provisions and Exceptions," §1102)

(Ord. 264, 9/6/1960, §902)

§903. Area. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

Front, side, and rear yards. Same as in the "C1" District, §§703(1), (2), and (3).

(See "General Area Provisions and Exceptions," §1103)

(Ord. 264, 9/6/1960, §903)



## Part 10

## "M2" - Heavy Industrial District

§1001. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for the following uses only; provided, (unless otherwise noted) there be no retailing of a product on the premises, except that which is incidental and essential to the listed enterprise.

- A. Any use permitted in the "M1" District, §901.
- B. Airplane factory or hangar.
- C. Blacksmith shop or horseshoeing establishment.
- D. Boatbuilding.
- E. Box factory.
- F. Building-mover and wrecker's establishment.
- G. Concrete or cement products manufacture.
- H. Contractor's establishment, including storage of equipment.
- I. Cooperage works.
- J. Cotton gin or oil mill.
- K. Drop forge industry manufacturing forgings with power hammers.
- L. Feed mixing plant.
- M. Freighting or trucking terminal. (See §1101(4).)
- N. Hospital, only with emergency facilities incident to an industry.
- O. Iron or steel or other metal manufacture or treatment, foundry, or fabrication plant, and heavy weight casting.
- P. Lampblack manufacture.
- Q. Laundry.
- R. Oilcloth or linoleum manufacture.
- S. Ore reduction.
- T. Petroleum products manufacture or wholesale storage of petroleum.
- U. Quarry or stone mill.
- V. Repair shop, including railroad repair shop, distribution and classification yards, and supporting facilities.
- W. Rock, sand, or gravel distribution.
- X. Rolling mills.
- Y. Rubber or gutta-percha manufacture or treatment.
- Z. Salt works.

AA. Soap manufacture.

BB. Sodium compounds manufacture.

CC. Stable.

DD. Storage, not including: explosives or inflammables; and garbage, offal, or dead animals.

EE. Stove or shoe polish manufacture.

FF. Terminal warehousing or transfer depot. (See §1101(4).)

GG. Tool manufacture.

HH. Wholesale business.

II. Wool pulling or scouring.

JJ. Conditional use, as prescribed in Part 13, including:

Garbage or refuse disposal plant. (See §1301(3).)

KK. Accessory use. (See §201, "Definitions.")

LL. Signs, as prescribed in Part 13.

MM. Required automobile parking space and loading space, as prescribed in §§1104 and 1105.

(See "General Use Provisions and Exceptions," §902)

(Ord. 264, 9/6/1960, §1001)

§1002. Height. Same as in the "M1" District, §902. (Ord. 264, 9/6/1960, §1002)

§1003. Area. Same as in the "M1" District, §903. (Ord. 264, 9/6/1960, §1003)

## Part 11

## General Provisions and Exceptions

§1101. General Use Provisions and Exceptions.

1. Except where otherwise provided herein, after the effective date of this Chapter, every use of land and every structure shall be on a zoning lot as herein defined, and not more than one (1) main structure shall occupy such zoning lot unless a part of a permitted unit group development.

2. All land annexed to the Borough after the effective date of this Chapter shall be classified automatically as "S" Conservancy District. The Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within not more than six (6) months after the effective date of annexation; and until the Borough Council has adopted a zoning plan, the provisions of §1106, relative to non-conformity, shall not apply to such annexed area.

3. The regulations of this Chapter shall not apply to any existing or proposed structure or use or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the structure in question is reasonably necessary for the welfare of the public.

4. Any use involving as a principal part of the conduct of business, the use or servicing of motor vehicles, such as an automobile service station or sales area, major garage, community or major parking area, distribution plant, or freighting or trucking terminal, shall be so located that no vehicular entrance or exit shall be closer than two hundred (200) feet to an entrance or exit of any elementary or secondary or vocational school, playground, church or public library located on the same street or way. Similarly, no entrance or exit to any elementary or secondary or vocational school, playground, church, or public library shall be located closer than two hundred (200) feet to a vehicular entrance or exit of such use as above noted.

5. A permit shall be required for any major excavating, grading, or filling when the operation involves a land area exceeding one (1) acre or a volume of earthmoving exceeding sixteen thousand (16,000) cubic yards or a change in ground elevation exceeding twenty (20) feet. Such permit shall be issued only after recommendation from the Planning Commission and approval by the Borough Council under the conditions and procedures required for approval of a conditional use under Part 13, provided:

A. Evidence shall be submitted as to control of the operation in such a manner as to offer a reasonable protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties, and access to the site, including any nearby residential streets that must be traversed in conveying material to or from the site.

B. Upon completion of the operation, any exposed surface of the land shall be topsoiled, planted, and seeded.

(Ord. 264, 9/6/1960, §1101)

§1102. General Height Provisions and Exceptions.

1. The permitted heights of structures shall be measured from the basic grade as herein defined. On a corner lot the basic grade shall be the mean of the basic grades of both frontages. On a through lot, the basic grades of each frontage shall control the permitted height of the structure to one-half ( $\frac{1}{2}$ ) the depth of the zoning lot.

2. A structure conforming as to use, but not complying with the height regulations, of the district in which it is located, may be restored if damaged or partially destroyed by fire, flood, wind, or other calamity or Act of God, in the same location and for the same use as before the occurrence.

3. A structure conforming as to use, but not complying with the height (or area) regulations, may be enlarged; provided, the enlarged portion thereof complies with all the regulations of this Chapter.

4. The following structures or portions thereof may extend above the height limit of the district in which the same is located; provided, every portion of such structure above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure is in height:

A. Church towers and spires.

B. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

C. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures.

(Ord. 264, 9/6/1960, §1102)

§1103. General Area Provisions and Exceptions.

1. Each lot created by a subdivision plan (which is required by other State law when property is divided into two (2) or more parts) shall comply with all area provisions of this Chapter.

2. Any portion of a lot once used as a yard, or as lot area in compliance with the area requirements of the district regulations of this Chapter, shall not be counted again as required yard or lot area for another structure.

3. Where a zoning lot:

A. Abuts the side lot of only one (1) lot occupied by a main building less than twenty-five (25) feet from the abutting side lot line, the front yard requirement of such zoning lot may be the average depth of the front yard of the abutting occupied lot, and the depth required in the district.

B. Abuts, on both sides, lots occupied by main buildings less than twenty-five (25) feet from the abutting side lot lines, the front yard requirement of such zoning lot may be the average depth of the front yards of the abutting occupied lots.

4. On a through lot, the rear yard depth shall be not less than, but need not exceed, the required depth of front yard in the district in which such lot is located.

5. Minor utility fixtures and articles of decoration around a main building may be located in any required yard.

6. An unenclosed porch no more than one (1) story or fifteen (15) feet in height and twelve (12) feet in depth may be erected in the front or rear yard, provided that no portion of said porch shall be closer to a side lot line than the required width of side yard.

7. A buttress, chimney, cornice, pier, or pilaster, projecting no more than twelve (12) inches from the wall of the building, may project into a required yard.

8. A screening wall or fence, no more than six and one-half (6½) feet in height, may be erected in any required side or rear yard or within the buildable area. A fence not exceeding ten (10) feet in height may be built in any required yard for schools, playgrounds, or parks, or in any required side or rear yard in commercial or industrial districts.

9. Public service lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone, and cabled televisions communications, or railroad trackage, and supporting members other than buildings, shall not be required to be located on an individual zoning lot nor be held to reduce the required yard dimensions for other structures on a zoning lot.

10. Landscape features, such as trees, shrubs, or flowers, soil cultivation, plants, and plantings, shall be permitted in any required yard provided that when in a front yard they do not constitute a hedge effect more than three and one-half (3½) feet in height above the ground level adjacent thereto.

11. On corner lots, in those portions of the front and side yards closer than ten (10) feet to the intersection of the property lines of the two (2) streets, landscape sight obstructions such as continuous shrubbery, hedges, or flowers, shall not be permitted to occupy any space more than three and one-half (3½) feet in height above the nearest point on a street surface. Within six (6) months of the effective date of this Chapter all such sight obstructions must be removed or made to comply.

12. A structure conforming as to use, but not complying with the area (or height) regulations, may be enlarged, provided the enlarged portion thereof complies with all the regulations of this Chapter.

13. A structure conforming as to use, but not complying with the area regulations, of the district in which it is located, may be restored if damaged or partially destroyed by fire, flood, wind, or other calamity or Act of God, in the same location and for the same use as before the occurrence.

(Ord. 264, 9/6/1960, §1103)

§1104. Automobile Parking Space. In any district, at the time of the erection of any main structure, there shall be provided on the same zoning lot with the main structure the following off-street parking space, including the required number of parking stalls, each not less than nine (9) feet

side and twenty (20) feet long, plus not less than twenty-five (25) percent in total area for adequate provision for ingress and egress:

- A. Residence. One (1) stall for each dwelling unit.
- B. Commercial. Minimum of two (2) stalls.
- C. Industrial. Minimum of ten (10) stalls.

D. Every parcel of land hereafter used as a parking area (other than an accessory use on the same zoning lot with a main use) or as an automobile sales area, shall be paved and maintained with an all-weather, cohesive, dust-free surface sufficient to carry the imposed load; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence or wall or compact evergreen hedge having a height not less than two (2) feet and not more than six and one-half (6½) feet, erected within the buildable area of the lot. Required yards shall be landscaped and properly maintained.

(Ord. 264, 9/6/1960, §1104)

§1105. Loading Space. Every structure or part thereof, hereafter established, erected, enlarged, or occupied for uses involving the receipt and distribution of material or merchandise shall have permanently maintained loading spaces within or on the same zoning lot with the structure, at the rate of one (1) space (each not less than ten (10) feet wide and fifty (50) feet long) for every twenty thousand (20,000) square feet or fraction thereof of aggregate gross floor area intended or designed for such use, provided that no loading space need to provide for a use with a gross floor area not exceeding two thousand four hundred (2,400) square feet. (Ord. 264, 9/6/1960, §1105)

§1106. Nonconforming Uses, Structures, and Signs.

1. The nonconforming use of land (where such use is the principal use of the lot and no main structure is involved) may be continued for a period of not more than three (3) years from the effective date of this Part, if such use is initially nonconforming, or within such time from the date of any amendment which later makes such use nonconforming, provided there shall be no expansion or extension of such use; and if any such use is discontinued, the future use of said land shall be in conformity with the provisions of this Chapter. (This Section shall not apply to any lot or other land, the principal use of which is carried on within a structure.)

2. Except as otherwise provided in this Section, a nonconforming use of a structure may be continued, but shall not thereafter be changed to a less protected use.

3. A nonconforming use of a structure designed to conform to the use regulations applicable in the district in which it is located shall not be extended into any other portion of such structure, or expanded into any other structure, if the resulting floor area devoted to such nonconforming use is in excess of twenty-five (25) percent of the gross floor area. Whenever a nonconforming use of a structure or portion thereof has been discontinued for a period of at least one (1) year or changed to a conforming use, the nonconforming use shall not thereafter be re-established, and the future use shall be in conformity with the provisions of this Chapter.

4. A nonconforming structure may be maintained, but shall not be enlarged, expanded, or extended; no structural alterations shall be made other than those ordered by an authorized public officer to assure the safety of the structure.

5. A nonconforming structure shall not be moved in whole or in part to any other location on its lot unless every portion of such structure is made to conform to all the regulations of the district in which it is located.

6. Subject to the provisions of §§1106(3) and (4), a structure containing a nonconforming use or a nonconforming structure, which is damaged or partially destroyed by fire, flood, wind, or other calamity or Act of God, may be restored and its previous occupancy or use resumed, only in the event such restoration is started within one (1) year of the occurrence of the damage and diligently prosecuted to completion. (See §1503.)

7. A nonconforming use, or a nonconforming structure designed for a use which would be permitted in the district in which it is located, had it conformed to certain conditions contained in the use regulations of such district, such as a "conditional use" permitted by the Borough Council, a "special exception" permitted by the Zoning Hearing Board, etc., which is nonconforming only because such use or structure existed prior to the adoption of this Chapter or amendment thereto and thus has not complied with such conditions; or a nonconforming use which is nonconforming only because of lack of required parking or loading space shall have all, but no more than, the rights and privileges of continuance, maintenance, enlargement, and expansion permitted for a conforming use or structure in the district in which such nonconforming use or structure is located.

8. A nonconforming sign may be continued but not enlarged, until removed or made to conform, which shall occur within eight (8) years of the effective date of this Chapter if such sign is initially nonconforming, or within such time from the date of any such sign later becomes nonconforming. A nonconforming sign which is an accessory use in connection with a nonconforming use may be changed to conform with the regulations for such a sign in the district in which the main use would be permitted if established anew; if such change is made, the nonconforming sign may be continued as long as the main nonconforming use is permitted to remain.

9. An industrial nonconforming use or an industrial nonconforming structure may be maintained, continued, enlarged, extended, expanded, moved, restored or otherwise permitted as a conditional use subject to proper review as outlined under Part 13 of this Chapter.

(Ord. 264, 9/6/1960, §1106)



## Part 12

## Signs

§1201. "S" and "R" Districts. In the "S" Conservancy District and the "R2" and "R3" Residence Districts, only the following signs shall be permitted:

A. A sign not exceeding one (1) square foot in area, used to display and identify only the name of the individual, profession, organization, or institution occupying the premises.

B. A bulletin board for each street frontage, not exceeding twenty (20) square feet in area, indicating the services of a church or institution, including the church or institution name, if desired, provided, however, that a bulletin board which is at right angles to the street may be twenty (20) feet on each side.

C. A sign not exceeding eight (8) square feet in area appertaining only to the rental, lease, or sale of the property on which it is displayed.

D. A sign limited to fifty (50) square feet in area, used to indicate the location or direction of real estate development and erected for a period not exceeding six (6) months from date of permit.

(Ord. 264, 9/6/1960, §1201)

§1202. "C" Districts. In the "C1" Commercial district and the "C2" Business District, only the following signs shall be permitted:

A. Signs permitted in "S" and "R" Districts.

B. A sign which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered upon the premises (non-flashing and non-glaring):

(1) Attached to the main wall of a main building, not projecting more than forty (40) inches therefrom into a public right-of-way, having a length vertically from top to bottom of no more than ten (10) feet, securely fastened at top and bottom so that it cannot swing, and with no portion less than ten (10) feet above the basic grade. If not projecting more than three (3) inches from a wall of a building, the sign need not be ten (10) feet or more above the basic grade. [Ord. 306]

(2) Not attached to a building, but within the buildable area of the lot, erected with no portion less than ten (10) feet or more than twenty (20) feet above the ground. The sign (or, if more than one (1), the total) shall not exceed sixty (60) square feet in area.

(3) Temporary street banners approved by the Zoning Officer.

(Ord. 264, 9/6/1960, §1202; as amended by Ord. 306, 8/1/1966, §1)

§1203. "M" Districts. In the "M1" Light Industrial District and the "M2" Heavy Industrial District, only the following signs shall be permitted:

A. Signs permitted in any other district.

B. Advertising or business sign not limited as to size or location, except that it shall be within the buildable area of the lot.

(Ord. 264, 9/6/1960, §1203)

§1204. General Sign Provisions.

1. An occupancy permit shall be secured for the establishment, major alteration, or moving of any sign (except real estate signs) one and one-half (1½) square feet or more in area.

2. No sign established before the effective date of this Chapter shall be (except when ordered by an authorized public officer as a safety measure) altered in any major respect, or moved, unless it be made to conform with the provisions of this Chapter.

3. No sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where it is displayed shall be established nearer than three hundred (300) feet to an "R" District, unless the advertising surface of said sign is not visible therefrom

4. Retractable awnings over the public sidewalks shall be permitted provided the lowest portion thereof shall be no closer than seven (7) feet to the sidewalks, and provided that such awnings shall bear no advertising.

5. No permanent sidewalk marquees either with or without advertising shall be permitted except that architectural sidewalk canopies with a minimum of nine (9) feet clearance above the sidewalks and a maximum of thirty-six (36) inches of projection over the public sidewalk will be permitted.

(Ord. 264, 9/6/1960, §1204)

Part 13  
Conditional Uses

§1301. Uses, Location, and Requirements.

1. The uses named in this Section and the establishment or enlargement thereof shall be considered conditional uses which cannot be adjusted to their environments with a maximum of mutual protection by a rigid application of the district regulations of this Chapter which apply uniformly and in detail to the great majority of properties within any particular district. They may be permitted in the districts herein designated, by the Borough Council, after a public hearing and recommendation by the Planning Commission, subject to:

- A. Approval of site plan and location.
- B. The height and area provisions of the district wherein such use is located (unless otherwise provided in this Section).
- C. The automobile parking and loading provisions of §§1104 and 1105 where they apply (unless otherwise provided in this Section).
- D. The conditions herein prescribed.
- E. Such other conditions and safeguards the Borough Council may recommend to protect the best interests of the surrounding property or neighborhood.

2. Educational institution, or unit group building thereof, in "R" Districts; or philanthropic or religious institution, or unit group building thereof, in "R" and "C" Districts, provided:

A. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.

B. The minimum distance between main buildings in unit group on the zoning lot shall be as follows:

(1) Front-to-front, or front-to-rear, or rear-to-rear two (2) times the height of the buildings, or if they be of different heights, two (2) times the height of the taller building, but not less than eighty (80) feet.

(2) End-to-end, equal to the height of the buildings, or if they be of different heights, equal to the height of the taller building, but not less than twenty (20) feet.

(3) Front-to-end, or rear-to-end, one and one-half (1½) times the height of the buildings, or if they be of different heights, one and one-half (1½) times the height of the taller building, but not less than fifty (50) feet.

C. If housing in connection therewith is provided, including dormitory facilities for students and teachers, the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted on surrounding properties.

D. The location of automobile parking facilities on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.

E. Minimum front and rear yards shall be ten (10) feet greater in depth, and minimum side yards shall be ten (10) feet greater in width, than the minimum required for any other main structure in the district in which such use is located.

(See §1101(4).)

3. Garbage or refuse disposal plant, in the "M2" District, provided the proposed location is such as to offer a reasonable protection to the neighborhood against possible detrimental effects of such use, taking into consideration the physical relationship to surrounding properties, and access to the site, including any nearby residential streets that must be traversed in bringing the material to the site.

4. Hospital, sanitarium, or nursing home, or unit group building thereof, in "R3" Districts, provided:

A. The use conforms to the provisions of Subsections (2)(A), (B), (D) and (E) above.

B. There shall be provided a lot area of not less than five thousand (5,000) square feet, plus three hundred (300) square feet for each in-patient facility.

C. Dormitory facilities for doctors and nurses may be included, provided in addition to the requirements of (B) above, the lot area in relation to the number of sleeping rooms or persons to be housed is such as to provide a unit density commensurate with that permitted on surrounding properties.

(See §1101(4).)

5. Large-scale multiple-family housing development, or unit group building thereof, in "R" Districts, provided:

A. The development shall be on a tract of not less than five (5) acres in extent.

B. No main or accessory building shall be located within seventy-five (75) feet and no parking area within fifty (50) feet of any boundary line of the development.

C. The lot area per dwelling unit shall be not less than one thousand two hundred and fifty (1,250) square feet.

D. The minimum distance between main buildings shall be the same as specified in Subsection (2)(B), above.

E. Buildings shall cover not more than twenty-five (25) percent of the lot area.

6. Municipal building, in "S" or "R" Districts, provided:

A. When the municipal building is in an "S" District it is demonstrated that the use cannot reasonably serve the community from a location in another district classification.

B. Safeguards are established to provide proper separation from

and protection for abutting residential properties.

C. Adequate provision for off-street parking is provided, as determined according to the type of use and its planned service area.

D. It is determined that the time of operation, and the intensity of the use, will not be disturbing to adjacent residential uses.

7. One (1)-family dwelling, in "S" Districts, provided:

A. Connection with a public sewer is feasible, and the cost of off-site connections to such sewer is borne by the developer, or it is demonstrated that sewage disposal facilities in conformity with Borough requirements can and will be installed.

B. The site is located on a street improved to Borough standards.

8. Public utility corporation buildings, structures, facilities, and installations in "S," "R," and "C" Districts, provided:

A. The height requirements of the district wherein the use is located may be exceeded when the necessity has been demonstrated, if every portion of the structure or installation above the height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure or installation is in height.

B. When in an "S" District, the use does not involve company offices.

C. When in an "R" District, the use does not involve company offices or storage areas or structures requiring major trucking or traffic movements, and it is demonstrated that the use cannot reasonably serve the district from a location in an "S," "C," or "M" District.

D. When in a "C" District, the use does not involve storage areas or structures requiring major traffic movements.

(See §1101(3).)

(Ord. 264, 9/6/1960, §1301)

#### §1302. Procedure.

1. Written application for the approval of the uses referred to in this Part shall be filed in the public office of the Zoning and Planning Commission upon forms prescribed for that purpose by the Commission. Upon the filing of such application, the matter shall be set for public hearing before the Commission. notice of the time, place, and purpose of such hearing shall be given not less than seven (7) days prior to the date thereof by the following methods:

A. By at least one (1) advertisement in a newspaper of general circulation in the Borough.

B. By mailing a postal card or letter notice to the owners of all property within one hundred and fifty (150) feet of the site under consideration, using for this purpose the last known name and address of such owners as shown upon records of the existing tax assessing authority. Where all property within the one hundred and fifty (150)

foot radius is under the same ownership as the site under consideration, the owners of all property adjoining that owned by the applicant shall be notified in the same manner as herein provided.

C. By mailing a notice thereof to every association of residents or owners who shall have registered an association address for this purpose with the Commission.

D. By mailing a notice thereof to each member of Borough Council

E. By mailing of notification to the official Secretary or Clerk of any other political subdivision that is within one hundred and fifty (150) feet of the site under consideration.

2. The Commission shall make a report of its findings and recommendations within forty (40) days from the date of filing of the application and shall transmit a copy thereof to the Borough Council and to the applicant. Notification of such findings and recommendations shall be forwarded to interested parties when a written request therefor, in each particular case, has been filed with the Commission.

3. Within sixty (60) days after a report and recommendation upon a conditional use application has been received by the Borough Council from the Commission, Council may approve the proposed conditional use; provided, that if the Commission has recommended against the granting of such use, such approval shall require an affirmative vote of three-fourths (¾) of all the members of Council. Upon approval of any use of a lot requiring a new address or multiple addresses, the Borough Manager shall assign the appropriate address(es) to the conditional use(s). It shall be the duty of the applicant to obtain address(es) in the event of a deemed approval from the Borough Manager. [Ord. 432]

4. Any modification of a conditional use, either by change in the site plan or by division of the site on the basis of ownership, shall be under the same procedure as above described.

(Ord. 264, 9/6/1960, §1302; as amended by Ord. 432, 5/3/1999)

§1303. Fees. A fee, in an amount as established from time to time by resolution of the Borough Council, shall be paid for the filing of each application for a conditional use, for the purpose of defraying the costs of the proceedings as prescribed herein. (Ord. 264, 9/6/1960, §1303; as amended by Ord. 412, 10/4/1993)

Part 14  
Zoning Hearing Board

§1401. Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough .

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(Ord. 264, 9/6/1960, §1401; as amended by Ord. 412, 10/4/1993)

§1402. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be

conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last

hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 264, 9/6/1960, §1402; as amended by Ord. 412, 10/4/1993)

§1403. Powers. The Zoning Hearing Board shall have the following powers:

A. Special Exceptions. Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 412]

B. To hear and decide the following special exceptions to the terms of this Chapter and to authorize a permit:

(1) In any district, for a temporary structure and use in connection with an authorized use, provided:

(a) The structure shall be complete in itself and not a part of a future building, without basement, and intended only for temporary storage of materials and/or tools, or as a temporary construction or sales office and not for use as a dwelling garage.

(b) The use shall be purely incidental to the authorized use.

(c) It shall be demonstrated to the Board that such structure and use are reasonably necessary and that safeguards are established to preserve the amenities of surrounding properties.

(d) The permit shall be issued for a period not exceeding one (1) year, but the period may be extended under like conditions.

(2) In the "S" District, for the erection, alteration, enlargement, or use of a structure or land, on an accredited zoning lot, for:

(a) Gas regulator station or electric substation without rotary motors; if transformers are exposed, there shall be provided an enclosing fence or wall at least six (6) feet high, and adequate to obstruct view, noise, and passage of persons or material; the requirement for approval of these public utility uses as conditional uses under §1301(8) may be waived, if the Board secures a favorable written report thereon from the Planning Commission.

(b) Greenhouse (without sales or advertising of sales on the premises).

(c) Horticultural nursery (without sales or advertising of sales on the premises).

(d) Community garage or use of land for a community parking area for parking of noncommercial vehicles by residents of the neighborhood, on a lot having a buildable area of not less than three hundred and fifty (350) square feet for each vehicle stored, provided the Board determines that such use is reasonably necessary in the particular neighborhood to facilitate the provisions of automobile parking space as required by this Chapter, provided:

(i) The maximum height of structures shall be sixteen (16) feet (not exceeding one (1) story).

(ii) On a lot of less depth than required to allow the prescribed front and rear yard depths plus a buildable area depth of twenty-five (25) feet, front and rear yard depths may be reduced, provided the relative proportion of front and rear yard depth to

buildable area depth is the same as required when the buildable area depth is twenty-five (25) feet.

(iii) On a lot of less width than required, side yard widths may be reduced, provided the buildable area width shall be not less than twenty-five (25) feet and the proportions of side yard width are equal to those required for a zoning lot; and further provided that the minimum width of such yard, when abutting an interior side lot line, shall be not less than seven (7) feet, and when abutting a street, not less than twenty-five (25) feet. Proportional reduction requirements may be ignored when the minimum side yard width on one (1) side is reached so that the other side yard width may also be reduced to not less than the above minimum requirement.

(iv) The Board determines that circumstances are such that combination of such lot with other adjacent property to form one (1) or more zoning lots cannot reasonably be expected, and that otherwise the provisions of this Chapter would be confiscatory.

(v) Other reasonable conditions are established to protect the amenities of surrounding properties, as determined in each instance by the Board.

(3) In "R" Districts, for the erection, alteration, enlargement, or use of a building or land for:

(a) A community garage or the use of land for a community parking area, for parking of noncommercial vehicles, for residents of the neighborhood, or when within five hundred (500) feet of property in a "C2" District, to serve uses in such district; on a lot having a buildable area of not less than three hundred and fifty (350) square feet for each vehicle stored, provided the prescribed yard, lot width, and height requirements for a one (1)-family dwelling are met; and provided further that the Board determines that such use is necessary in the particular neighborhood to facilitate the provision of automobile parking space as required by this Chapter, and that reasonable safety provisions are established.

(b) A one (1)-family dwelling on a zoning lot without the required automobile parking space, when the Board is satisfied that physical conditions make it impossible to provide parking space on said zoning lot.

(4) In the "C2" District, for the erection, alteration, enlargement, or use of a structure for a community garage or a major garage (without major repair or body and fender work), or for the use of land for a community parking area, provided the Board determines that the proposed location is such that the use will be not detrimental to the general welfare of adjacent

businesses and that the addition of the proposed use will not overly congest abutting streets.

(5) In the "R3" District, for the erection, alteration, enlargement, or use of a building for:

(a) A funeral home, on a zoning lot having a minimum area of five thousand (5,000) square feet plus three hundred (300) square feet for each reposing room, provided: the prescribed yard, lot width, and height requirements for a one (1)-family dwelling are met; the main building shall be located not nearer than one hundred (100) feet to an "R2" District; there shall be no crematory, receiving vault, preparation room, or display of merchandise or advertising visible from outside the main or accessory building; there shall be no loading or unloading of merchandise or bodies of deceased persons on public property; there shall be no parking or standing of motor vehicles on public property; and provided further that the Board determines that the scale of business in relationship to the character of the uses around the particular location will be such as to be

not detrimental to, or alter the character of, the neighborhood.

(b) A membership club, provided neither public restaurant nor bar facilities are established; and provided further that the Board determines that the time of operation, and the intensity of the use, will be not disturbing to adjacent residential uses.

(c) A rooming house, on a zoning lot having a minimum area of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of four (4), provided the prescribed yard, lot width, and height requirements for a one (1)-family dwelling are met; and provided further that the Board determines that the location of the use with respect to less intensive dwelling uses is such as to be not disturbing to such uses.

(d) A tourist home on a zoning lot having a minimum area of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of four (4), provided; the prescribed yard, lot width, and height requirements for a one (1)-family dwelling are met; only overnight accommodations for not more than five (5) transient guests are offered; and the Board determines that the location of the use with respect to less intensive dwelling use is such as to be not disturbing to such uses.

(6) In "C" Districts, for the erection, alteration, enlargement, or use of a structure for an automobile service station for the sale and service of fuel, lubricating oil, and accessories; but not including major repair, painting, upholstering, tire retreading or recapping, battery manufacture, and the like, provided:

(a) The use is located on a corner lot or is located on a lot abutting the boundary line of the district.

(b) Gasoline pumps shall be no closer than fifteen (15) feet to the line of any street.

(c) Only such activities as car washing, waxing, polishing, or greasing need be conducted within an enclosed building.

(d) The Board determines that such use will be controlled against detrimental effect to surrounding property, taking into consideration, among other things, the probable traffic generation, the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, the distance from places of public assembly, and the emission of fumes, odors, dust, noise, vibration, or glaring light.

(See §1101(4).)

(7) In "R" Districts, for the erection of a one (1)-family dwelling on a recorded lot insufficient in size to meet the requirements for a one (1) one-family dwelling and provide a buildable area of the lot twenty-five (25) feet square, provided:

(a) The lot shall be a separate lot in a plat of subdivision, duly recorded according to statute in the office for the recording of deeds, plans, etc., of Cameron County, recorded prior to the effective date of this Chapter, and shall front upon a street as herein defined.

(b) Seventy-five (75) percent of the property, measured along the street line, on both sides of the street in the same block frontage as the concerned lot (between two (2) intersecting streets, or between a street and a right-of-way or waterway or the end of a dead dead-end street or the Borough boundary) shall have been improved with dwellings on lots, the same or smaller in size.

(c) Rear yards and side yards may be reduced in accordance with the provisions for such reductions on accredited zoning lots set forth in §504.

(d) The Board finds that the erection of the proposed dwelling is in accord with the character of the neighborhood and would not be detrimental to surrounding properties.

(8) Location in an "M1" District of an industrial use that is not permitted therein but is permitted in an "M2" District whenever it shall have been demonstrated to the Board by competent technical experts that such "M2" industrial use can and will make use of available advanced technical equipment and processes as to no longer justify exclusion of such "M2" industrial use from the "M1" District.

C. Variances.

(1) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

(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, nor 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.

(2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

[Ord. 412]

(3) The Borough Manager shall assign a new address or addresses created as a result of the grant of a variance. [Ord. 432]

D. The powers of the Board shall be interpreted and construed so that the spirit of this Chapter is not violated. Every decision of the Board shall be based on stated findings of fact, and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance, and the conditions for the granting of a special exception, shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Chapter.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. Notice of such decision shall forthwith be given to all parties in interest. If, after a permit has been authorized by the Zoning Hearing Board, the improvement so authorized has not been started within six (6) months from that date, the said authorization shall be null and void.

(Ord. 264, 9/6/1960, §1404; as amended by Ord. 412, 10/4/1993; and by Ord. 432, 5/3/1999)

§1404. Filing Fee. Before accepting or filing any application for appeal to the Board, the zoning Office shall charge and collect a fee in an amount as established from time to time by resolution of the Borough Council, plus costs. (Ord. 264, 9/6/1960, §1405; as amended by Ord. 326, 1/4/1971, §2; and by Ord. 412, 10/4/1993)

§1405. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

§1406. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative

plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

#### §1407. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the [planning agency] and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)



## Part 15

## Administration, Enforcement, and Amendment

§1501. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 264, 9/6/1960, §1501; as amended by Ord. 412, 10/4/1993)

§1502. Building Permits. No structure shall hereafter be erected or structurally altered until a building permit shall have been issued by the Zoning Officer. A building permit shall state that the proposed structure or proposed alteration will comply with all laws of the Borough relating thereto and shall be approved for zoning compliance by the Zoning Officer, based upon representations made in the permit application. No building permit shall be issued for new construction or for creation of additional living quarters on the premises without the applicant having first obtained an address for the newly established premises from the Borough Manager. (Ord. 264, 9/6/1960, §1502; as amended by Ord. 432, 5/3/1999)

§1503. Occupancy Certificates.

1. No use of land other than agricultural and forestry use shall be made, and no structure hereafter erected or structurally altered shall be occupied or used, until a certificate of use, occupancy, and compliance shall have been issued by the Zoning Officer. A similar certificate of occupancy and compliance shall be applied for and shall issue before an existing use of a structure or land shall be changed.

2. A certificate of occupancy shall state that the proposed use of a structure of land complies with the regulations of this Chapter, and all other laws of the Borough. It shall be applied for coincident with the application for a building permit and shall issue upon examination of the completed structure and certification by the Zoning Officer, within ten (10) days after the erection or structural alteration of such structure or part thereof shall have been completed, if in conformity with the provisions of this Chapter and all other laws of the Borough. However, such certificate shall be void if not exercised within six (6) months of the date of issue or renewal.

3. In the case of a certificate of occupancy in connection with the restoration of a structure containing a nonconforming use, or a nonconforming sign structure, or a nonconforming structure which is damaged or partially destroyed by fire, flood, wind, or other calamity or Act of

God, the form shall show the estimated cost of such restoration to the condition it was before the occurrence, as well as the estimated cost of restoration of the entire structure new, sustained by appraisal or contractor's estimate.

(Ord. 264, 9/6/1960, §3)

§1504. Time Limitation for Issuance or Refusal of Building Permit. The Zoning Officer shall issue or refuse a building permit within fifteen (15) days after receipt of application for same. (Ord. 264, 9/6/1960, §1504)

§1505. Record of Certificate; Charges.

1. A record of all permits and certificates shall be kept on file in the office of the Zoning Officer, and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the structure or land affected.

2. A fee in an amount as established from time to time by resolution of the Borough Council shall be charged for each occupancy permit or copy thereof issued. If application has also been made for a building permit, an additional fee, in an amount as established from time to time by resolution of the Borough Council, shall be charged for the examination of the completed structure by the Zoning Officer. No fee shall be charged for a certificate of non-conformance.

(Ord. 264, 9/6/1960, §1505; as amended by Ord. 326, 1/4/1971, §3; and by Ord. 412, 10/4/1993)

§1506. Application Forms. All applications for building permits, occupancy permits, or certificate of nonconformancy shall be made on printed forms as approved by the Borough Council, and shall contain accurate information as to the size of and location of the lot; the size of and location of the structures on the lot; the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of this Chapter. A file of such applications shall be kept in the office of the Zoning Officer; and, in the case of a building permit, a duplicate copy shall be kept at the structure at all times during construction. (Ord. 264, 9/6/1960, §1506)

§1507. Permits, Previously Issued; Deferred.

1. All structures for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts has or have been let pursuant to a permit issued prior to the passage of this Chapter, may be completed and used in accordance with the plans on which said permit was granted.

2. Application for Permits not Accepted During Consideration of Zone Change. During a period of sixty (60) days from the date of introduction of any ordinance which proposes a change in the regulations, district boundaries, or classifications of property, unless Council shall have acted upon the ordinance within said sixty (60) day period, the Zoning Officer shall accept no applications for permits within the area involved in said change for any use or structure which would be forbidden under the proposed ordinance.

(Ord. 264, 9/6/1960, §1507)

§1508. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough Council along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 264, 9/6/1960, §1508; as amended by Ord. 412, 10/4/1993)

§1509. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration

of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

#### §1510. Procedure for Borough Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

§1511. Use of Zoning Fees. The fees for occupancy certification, appeals to the Board, and request for zone changes shall be payable to the Zoning Officer, to defray the cost of advertisement and administration of this Chapter. (Ord. 264, 9/6/1960, §1509)

§1512. Remedies. In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this Chapter or of any ordinance or other regulation made supplementing this Chapter, the proper authorities of the Borough, in addition to other remedies, may institute any appropriate action or proceedings 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 structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 264, 9/6/1960, §1506)

§1513. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real

property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough. No such action may be maintained until such notice has been given. (Ord. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

#### §1514. 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 the 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 violation 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. 264, 9/6/1960; as added by Ord. 412, 10/4/1993)

#### §1515. 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 (\$500.00) dollars 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.

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. 264, 9/6/1960, §1513; as amended by Ord. 412, 10/4/1993)



## Part 16

## Zoning Map Amendments

| <u>Ord./Res.</u> | <u>Date</u> | <u>Subject</u>                                                                                                                                                                                                                                                                                   |
|------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 369              | 6/11/1979   | The area within the Borough which is bounded on the north by the Pennsylvania Railroad, on the east by the Driftwood Branch of Sinnemahoning Creek and on the south by West Creek; and which is classified as an M1 District is hereby reclassified to be an M2 District.                        |
| 437              | 3/20/2000   | The area within the Borough which is bounded on the north and west by S.R. 3001, is bounded on the south and east by Shippen Township and is referred to as the 9.2970 acres on South Mountain and which is classified as an S Conservancy District is hereby reclassified to be an M2 District. |

