

Zoning Ordinance



Borough of McKees Rocks

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ZONING ORDINANCE

BOROUGH OF McKEES ROCKS
ALLEGHENY COUNTY, PENNSYLVANIA

Prepared by
McKEES ROCKS PLANNING COMMISSION
in consultation with
the
McKEES ROCKS BOROUGH COUNCIL
and the
BOROUGH SOLICITOR
Adopted December 18, 1974

Planning Consultants: Candeub, Fleissig and Associates

BOROUGH OF McKEES ROCKS

ZONING ORDINANCE

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ZONING ORDINANCE
FOR THE
BOROUGH OF MCKEES ROCKS, PENNSYLVANIA

An Ordinance dividing the Borough of McKees Rocks into districts and regulating the use of land and the location, use and density of buildings within these districts and providing for the administration and enforcement of this Ordinance.

The Borough Council of the Borough of McKees Rocks hereby ordains and enacts as follows:

ARTICLE 1 - GENERAL PROVISIONS

1.100 SHORT TITLE

This Ordinance shall be known and cited as the "Borough of McKees Rocks Zoning Ordinance."

1.200 APPLICATION OF ORDINANCE

No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance. However, this Ordinance shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance; or to any building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, and completed within one year period after the effective date of this Ordinance, except as provided in Section 5.700.

1.300 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is hereby adopted in accordance with a Comprehensive Plan which is designed to promote public health, safety, morality and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property, provide adequate open spaces for light and air, and to prevent the spread of fire, prevent undue concentrations of population, and lessen congestion on streets and highways.

1.400 INTERPRETATION AND VALIDITY

- 1.401 Interpretation. In the interpretation and the application of the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall prevail.
- 1.402 Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.
- 1.403 Repealer. The Borough of McKees Rocks Zoning Ordinance No. 1107, dated October 12, 1954 and all amendments thereto are hereby repealed. All other existing ordinances or parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

1.500 EFFECTIVE DATE

This Ordinance shall take effect immediately subsequent to the adoption hereof.

ARTICLE 2 - DEFINITIONS

2.100 APPLICABLE DEFINITIONS

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory; the word "abut" shall include the words "indirectly across from."

- 2.101 Accessory Use or Structure. A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.
- 2.102 Alley. A public or private way affording only secondary means of access to abutting property.
- 2.103 Board or Zoning Hearing Board. The Zoning Hearing Board of the Borough of McKees Rocks.
- 2.104 Building. Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.
- 2.105 Building Coverage, Maximum. The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports, and breezeways, but excluding open patios).
- 2.106 Building Height. The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.
- 2.107 Building Principal. A building in which is conducted the main or principal use of the lot on which it is situated.

- 2.108 Commission or Planning Commission. The Planning Commission of the Borough of McKees Rocks.
- 2.109 Council. The Borough Council of the Borough of McKees Rocks.
- 2.110 District or Zone. A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 2.111 Dwelling. Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term dwelling shall not be deemed to include mobile home park, rooming house, tourist home, hotel, hospital or nursing home.
- a. Dwelling, Single-Family. A detached building at least 900 square feet in area, designed for or occupied exclusively by one family.
 - b. Dwelling, Two-Family. A detached or semi-detached building where not more than two individual families or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
 - c. Dwelling, Mobile Home. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
 - d. Dwelling, Multi-Family. A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Such buildings shall consist of the following types:
 1. Medium Density Dwellings -- A multi-family dwelling containing up to 12 dwelling units per structure and not exceeding three stories in height.

2. High Density Dwellings -- A multi-family dwelling containing over 12 dwelling units per structure.
3. Apartments -- A multi-family dwelling occupied as separate living quarters for more than two families with direct access from the outside or through a common hall and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.
4. Townhouse - Row Houses -- A multi-family dwelling containing 3 to 6 dwelling units and not exceeding 2-1/2 stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.
5. Garden Apartments -- A multi-family dwelling containing 6 to 12 units and not exceeding three stories in height.

- 2.112 Dwelling Unit. One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.
- 2.113 Essential Services. Essential services include the provision of gas, electrical, steam, communication, telephone, sewer, water, public safety and other similar services. The facilities required to provide such services shall consist of:
- a. Limited facilities including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which does not require enclosure within a building or which can be constructed within a public right-of-way.
 - b. Major facilities including equipment which requires enclosure within a building or construction on its own site such as gas storage areas, substations, telephone exchanges and telephone booths.

- 2.114 Family. A "family" consists of one or more persons each related to the other by blood (or adoption), together with such blood relatives' respective spouses, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants and not more than one gratuitous guest residing with said "family".
- 2.115 Junk. Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used tires, used boxes or crates, used pipe or pipe fittings, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- 2.116 Junk Yard. Junk yards shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking, and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- 2.117 Mobile Home. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- 2.118 Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
- 2.119 Mobile Home Park. A parcel of land at least 5 acres in size under single ownership which has been planned

and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

- 2.120 Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.
- a. Lot, Corner. A lot situated at and abutting the intersection of two streets.
 - b. Lot, Depth. The mean horizontal distance between the front and the rear lot lines.
 - c. Lot lines. The property lines bounding the lot.
 - 1. Lot Line, Front. The line separating the lot from a street right-of-way.
 - 2. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
 - 3. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
 - 4. Side Yard or Corner Lot. Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. In any case, the minimum side yard shall be 10 feet.
 - d. Lot Width. The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
 - e. Lot Area. The computed area contained within the lot lines.
- 2.121 Nonconforming Lot. Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated.
- 2.122 Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance

or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

- 2.123 Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
- 2.124 Nursing Home. Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.
- 2.125 Parking Facilities. Parking Facilities shall consist of paved outdoor areas used for the storage of vehicles or of specially designed buildings or garages used for the same purposes. Private parking facilities shall be restricted to use by persons resident on the premises or residing in the immediate vicinity of such facility or by their guests. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.
- 2.126 Patio. An area or courtyard, designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences, shrubs or hedges. Outdoor area enclosed by a permanent roof or awning shall be considered to be a structure.
- 2.127 Permit. A document issued by the Borough of McKees Rocks authorizing an applicant to undertake certain activities.
- a. Building Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Borough and authorizing an applicant to commence with

construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this Ordinance.

- b. Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said use, building or structure.
 - c. Occupancy Permit. A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.
- 2.128 Permitted Use. Any use which does not require special action by the Board before a zoning permit is granted by the Zoning Officials.
- 2.129 Planned Residential Development. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of the Borough's Zoning Ordinance.
- 2.130 Porch. A roofed or unroofed structure projecting from the front, side, or rear wall of the building which shall have no wall more than thirty inches high and which shall be open on all sides except the side adjoining the building.
- 2.131 Professional Office. Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, city planner, engineer, insurance man, realtor, accountant, lawyer or author.
- 2.132 Public Notice. Notice given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by Act 247, Pennsylvania Municipalities Planning Code. Such notice shall be published once each week for two

successive weeks in a newspaper of general circulation in the municipality. 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 be not more than thirty days or less than fourteen days from the date of the hearing.

- 2.133 Rooming House. A building containing a single dwelling unit and rooms for the rooming and/or boarding of three or more persons for compensation.
- 2.134 Sign, Advertising. An "advertising sign" is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.
- 2.135 Sign, Business. A "business sign" is a sign which directs attention to a business or profession conducted or to a service offered upon the premises where such sign is located. Such business sign shall not include advertisement of products by brand name except where such brand name signifies the major product offered on the premises; such as new car dealerships or major appliance sales.
- 2.136 Sign, Gross Surface Area of. The "gross" surface area of a sign shall be the entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall be the sum total sign face area, whether or not such visible face contains descriptive data.
- 2.137 Sign, Types of.
- a. Billboard (Poster Panel). A board, panel or tablet used for the display of printed or painted advertising matter. This type of sign is not permitted in Residential or Commercial Districts.
 - b. Ground Sign. A sign supported in or upon the ground surface.
 - c. Poster Panel. See billboard.

- d. Projecting Sign. A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.
 - e. Roof Sign. A display sign which is erected, constructed and maintained above the roof of the building. This type of sign is not permitted.
 - f. Temporary Sign. A display, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display.
 - g. Wall Sign. A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.
- 2.138 Special Use. A use which because of its unique characteristics requires individual consideration in each case by the Board before a zoning permit may be issued.
 - 2.139 Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
 - 2.140 Street. A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.
 - 2.141 Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including stationary and portable carports.
 - 2.142 Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure, but not including normal maintenance or minor repairs or improvements.

- 2.143 Travel Trailer. A vehicle, less than 30 feet in length and used for temporary living or sleeping purposes, and standing on wheels.
- 2.144 Usable Open Space. A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.
- 2.145 Variance. The Board's authorized departure to a minor degree from the text of this Ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.
- 2.146 Yard. An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
- 2.147 Zoning Official. The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

The Borough of McKees Rocks is divided into the following districts:

Residential	R-1
Residential	R-2
Residential	R-3
Commercial	C-1
Commercial	C-2
Commercial	
Manufacturing	C-M
Conservation	C-O
Industrial	I-1
Flood Plain	F-A

3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of McKees Rocks. The Zoning Map is hereby made a part of this Ordinance.

3.300 INTERPRETATION OF BOUNDARIES


If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

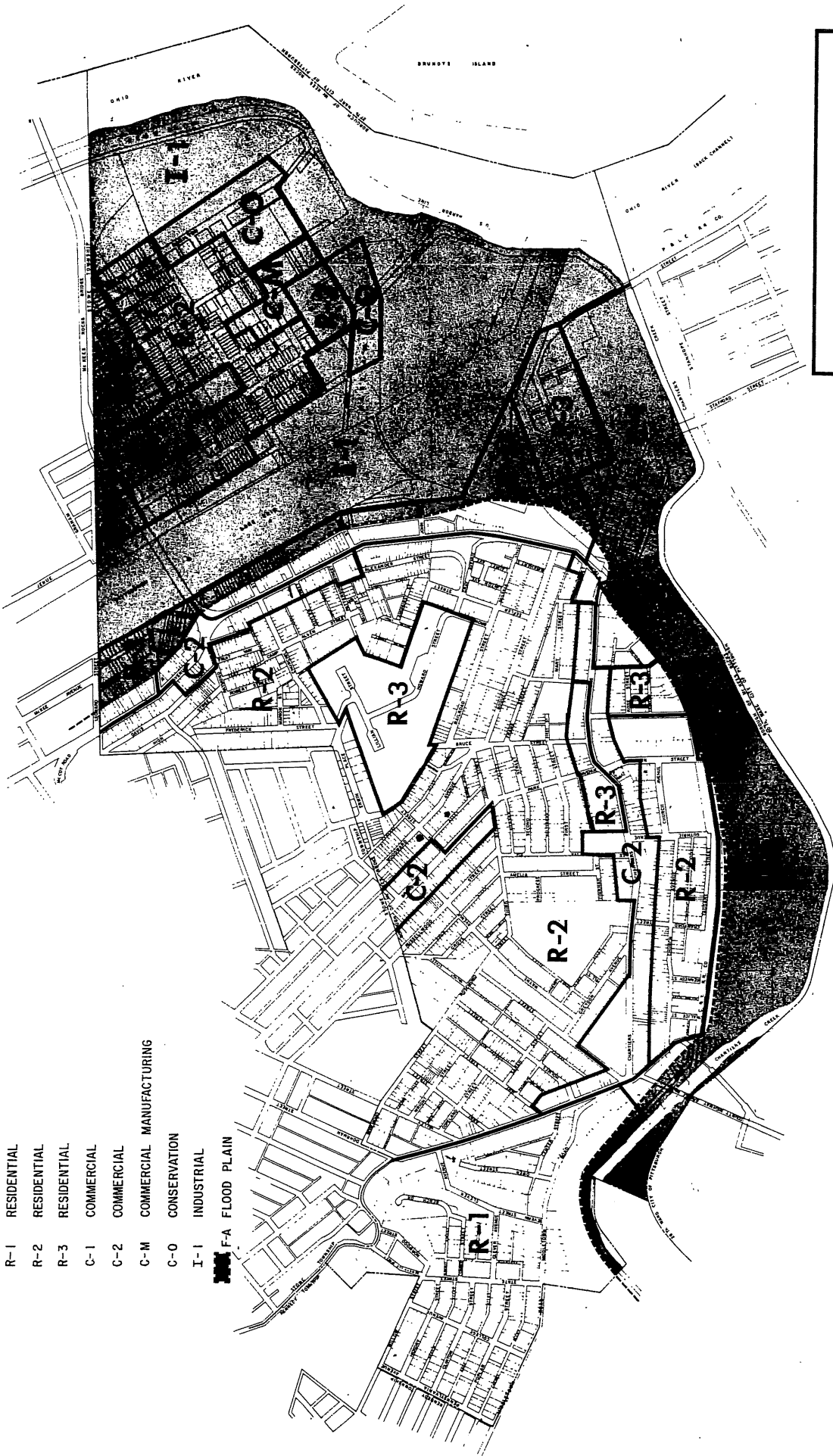
ARTICLE 4 - BASIC DISTRICT REGULATIONS

4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and building within each Zoning District are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article 5 and by other provisions of this Ordinance.

- 4.101 Regulations Governing the Use of Land. Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule I.
- 4.102 Regulations Governing the Size of Lots, Yards, and Buildings. Regulations governing the size of lots, yards and buildings in the various Zoning Districts shall be as set forth in Schedule II.

- R-1 RESIDENTIAL
- R-2 RESIDENTIAL
- R-3 RESIDENTIAL
- C-1 COMMERCIAL
- C-2 COMMERCIAL
- C-M COMMERCIAL MANUFACTURING
- C-O CONSERVATION
- I-1 INDUSTRIAL
-  FA FLOOD PLAIN



ZONING MAP

BOROUGH OF MCKEES ROCKS
ALLEGHENY COUNTY, PENNSYLVANIA

PLANNING CONSULTANT: CHAMBERLAIN, FLETCHER AND ASSOCIATES

1985

SCHEDULE 1

ZONING SCHEDULE OF USE CONTROLS

MCKEES ROCKS, PENNSYLVANIA

DISTRICT	COMMUNITY DEVELOPMENT OBJECTIVES	PERMITTED PRINCIPAL	USES	
			PERMITTED ACCESSORY	SPECIAL
R-1 Residential	To designate those areas in the Borough where predominantly low-density residential development has taken place and will be encouraged in accordance with the Comprehensive Plan.	Single-family dwelling.	Private garages. Signs. Other accessory uses and structures customarily appurtenant to a principal permitted use including home gardening, but not the raising of livestock, poultry or similar objectionable activity.	Church, Sunday School and other places of worship. Planned residential development. Public school, park, playground, firehouse, library and municipal building.
R-2 Residential	To designate those areas which have developed with one- and two-family structures. To protect the areas from the intrusion of incompatible land uses.	Single-family dwelling. Two-family dwelling.	All accessory uses permitted in the R-1 district. Home occupation.	Conversions. All special uses considered in R-1 district. Garden apartments, townhouses. Rooming houses.
R-3 Residential	To designate an area of the community for high-density residential development.	Single-family dwelling. Two-family dwelling. Multi-family dwellings.	All accessory uses permitted in the R-2 district.	All special uses considered in R-2 district. Community buildings, social organizations and other similar uses.

SCHEDULE I

ZONING SCHEDULE OF USE CONTROLS (Cont'd)

MCKEES ROCKS, PENNSYLVANIA

DISTRICT	COMMUNITY DEVELOPMENT OBJECTIVES	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	USES
C-1 Commercial	To designate an area for retail commercial activity to serve the needs of the residents of the Borough.	<p>Appliance sales and repairs. Banks and other financial institutions. Barber shops and beauty parlors. Book and stationery stores. Clubs and lodges. Cigar stores. Department stores and specialty shops. Drug stores. Dry goods and variety stores. Dry cleaning and clothes pressing establishments provided that nonflammable cleaning agents are used. Eating and drinking places. Entertainment facilities. Florists. Food stores. Furniture stores. Hardware stores. Hotels, motels. Indoor amusement enterprises, including theaters, billiard or pool parlors, bowling alleys or other similar places of assembly. Laundries, coin-operated or commercial. Liquor stores. Locksmiths. Offices, business and professional. Paint and wallpaper stores. Photographic equipment and supplies. Professional, business and technical schools, and schools and studios for photography, art, music and dance. Radio and television sales and repair.</p>	<p>Accessory uses and buildings customarily appurtenant to a principal permitted use, such as incidental storage. Off-street parking and loading facilities. Signs.</p>	<p>Multi-family dwellings. Rooming house. The following limited light industrial uses when totally conducted within an enclosed building: Manufacturing of apparel, jewelry, toys and novelties, photo processing, printing and laboratories.</p>

SCHEMULE I

ZONING SCHEDULE OF USE CONTROLS (Cont'd)

MCKEES ROCKS, PENNSYLVANIA

DISTRICT	COMMUNITY DEVELOPMENT OBJECTIVES	USES		
		PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL
C-1 Commercial (Cont'd)		<p>Shoe repair shops. Soda fountains Sporting and athletic goods. Tailors and dressmakers. Telephone exchange and installations. Wearing apparel stores. Commercial/residential mixed use buildings.</p>		
C-2 Commercial	<p>To designate those areas in the Borough generally within walking distance of the major residential areas for convenience goods and services which will serve the everyday needs of the residents of the areas, and/or generally along highway traffic routes for auto and highway user related services.</p>	<p>Any C-1 Permitted Use.</p>	<p>Accessory uses and buildings customarily appurtenant to a principal permitted use, such as incidental storage. Off-street parking and loading facilities. Signs.</p>	<p>Any C-1 Special Use. Car washing establishments. Gasoline stations, automobile repair garages, automobile service stations. New car dealers and showrooms. Used car dealers and showrooms.</p>
C-M Commercial/ Manufacturing	<p>To designate those areas in the Borough where service facilities, offices and light manufacturing will be encouraged.</p>	<p>Offices. Retailing of plumbing supplies, building supplies, paint, carpentry and roofing outlets. Machinery repair shops. Bakery, bottling and canning plants. Assembly of furniture, wood products, partitions, fixtures. Printing and publishing. Research and development laboratories Sales and service for automobiles (totally enclosed within building). Manufacture of engineering and scientific instruments. Manufacture of jewelry, silverware, games, toys. Wholesaling. Furniture stores.</p>	<p>Personal services: laundries, dry cleaners, photographic studios, shoe repairs, electrical repair shops, upholstery and furniture repair services.</p>	

SCHEDULE 1

ZONING SCHEDULE OF USE CONTROLS (Cont'd)

MCKEES ROCKS, PENNSYLVANIA

DISTRICT	COMMUNITY DEVELOPMENT OBJECTIVES.	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL
I-1 Industrial	<p>To designate those areas in the Borough best suited for industrial development because of location, topography, existing facilities, and the relationship to other land uses.</p> <p>Uses not compatible with industry are not to be permitted.</p>	<p>Includes general industrial uses, the manufacture, assembly, parking, storage or treating of merchandise.</p>	<p>Accessory storage within a wholly enclosed permanent building, of materials, goods and supplies intended for sale, processing or consumption upon the premises. Customary buildings and uses accessory to the main use or building. Private garage or private parking area. Truck loading space subject to recommended standards. Signs.</p>	<p>Storage of materials, goods, and supplies outside of a building as an accessory to a permitted use provided that no storage space shall be located within the front yard nor within twenty-five (25) feet of a side lot line or a rear lot line, and further that no such outside storage shall be for the primary purpose of displaying for sale or advertising benefit, other than signs.</p> <p>Oil storage tanks.</p>
C-0 Conservation	<p>To protect the Indian Mound, to provide open space within the Borough.</p>	<p>Parks, and public facilities.</p>		

SCHEDULE II

BULK AND COVERAGE CONTROLS

MCKEES ROCKS, PENNSYLVANIA

District	Minimum Lot Dimensions (Square Feet)		Minimum Yard Dimensions (Feet)				Maximum Height of Building		Maximum % of Lot Coverage		
	Area for Lots (6)		Depth	Front	Rear	Each Side	Both Sides	Principal Structure		Principal Building	Accessory
	Per/D.U.	Width						Stories	Feet		
R-1 Single-Family	5,000	5,000	100	25	25	6	12	2-1/2	35	25	10
R-2 Single-Family Two-Family	3,500 4,000	3,500 2,000	100	20	25	4	8	2-1/2	35	35	10
R-3 Single-Family Two-Family Multi-Family - 3/4 units - 5/8 units 9 or more units	3,500 4,000 6,000 7,000 9,000	3,500 2,000 2,000 1,400 1,000	100	20	25	4	8	2-1/2	35	50	10
C-1 Commercial	None Required (7)	None Required	100	None	Required (3)	(1/2)		6	80	No Requirement	
C-2 Commercial	4,000 (7)	40	100	None	Required (3)	(1/2)		5	60	75	10
C-M Commercial/Manufacturing	5,000	50	100	10	20	(1/2)		4	50	40	
I Industrial	20,000	100	100	25	30 (5)	12	25 (4)	2-1/2	35	40	15
C-0 Conservation											

- Notes: (1) None required, but at least 10 feet if provided.
 (2) When abutting a residential area, a minimum of 15 feet shall be provided.
 (3) None, except when abutting a residential district, then 30 feet.
 (4) When abutting a residential district zone boundary, then the side yard requirements for the abutting side shall be 35 feet.
 (5) Except when abutting a residential district, then the rear yard shall be 50 feet.
 (6) Existing non-conforming lots refer to 5.100, page 5-1.
 (7) All multi-family residential development shall conform to the R-3 Bulk and Coverage Controls.

ARTICLE 5 - SUPPLEMENTARY REGULATIONS

5.100 PERMITTED DEVIATIONS FROM REQUIRED AREAS

The minimum lot, yard, and height requirements of Article 4 shall prevail in all cases, except as follows:

- 5.101 Existing Nonconforming Lots. In any zone, where a nonconforming lot exists as a separate entity at the time of passage of this Ordinance, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted.
- a. If the lot is located in a Residential District a single-family dwelling may be constructed on it as a permitted use; provided that the lot is in at least 60 percent compliance with each of the following requirements for the single-family dwelling, as specified in the District in which the lot is located: lot area, lot width, rear yard, side yard and maximum building coverage.
 - b. If the lot is located in any remaining District then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the District in which it is located, provided that the lot is in at least 60 percent compliance with the requirements as shown in Schedule II, and provided that the off-street parking and loading requirements of this Ordinance shall be complied with and that the front, side and rear yards are in keeping with the surrounding area.

All such developments shall be first reviewed by the Planning Commission and approved by the Zoning Hearing Board prior to the issuance of a permit.

- 5.102 Height Limitations. District height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flagpoles, radio and television towers, masts and aerials, and parapet walls extending not more than 4 feet above the limiting height of the building.

- 5.103 Front Yard Exception. When an unimproved lot is situated between two improved lots, each having a principal building within 20 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 10 feet.
- 5.104 Projections Into Yards. Projections into required yards shall be permitted as follows, except that in residential districts in no case shall a structure or projection, except for patios, be located closer than 10 feet to any side or rear lot line or 15 feet to any front lot line.
- a. Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and eaves, or other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of four feet.
 - b. Patios may be located in the required side and rear yards not closer than three feet to any adjacent property line, and may project into front yards not closer than 10 feet to the street right-of-way line.
- 5.105 Changes to Conforming Uses and Buildings. Any conforming use or building may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that the use or building was originally constructed or started.

Any enlargement or addition to any conforming use must comply in all respects with the regulations of this Ordinance, except that in the case of any enlargement or addition of buildings legally existing at the effective date of this Ordinance the maximum building coverage requirements of Schedule II shall not apply, provided, however, that all of the off-street parking and loading requirements of this Ordinance shall be complied with. In such a case the maximum building coverage for the enlarged section shall not exceed 80 percent for commercial and manufacturing buildings or 60 percent for residential buildings.

5.106 Special Uses. Special uses, as enumerated in Schedule I, shall be permitted only upon authorization by the Zoning Hearing Board subsequent to review by the Planning Commission, provided that such uses shall be found, by the Zoning Hearing Board, to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

- a. That the use is a permitted special use as set forth in Schedule I hereof.
- b. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- c. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- d. That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.
- e. That adequate landscaping and screening is provided as required herein.
- f. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- g. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

5.200 UNIQUE LOTS AND BUILDING LOCATIONS

5.201 Two or More Buildings on a Lot. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

5.202 Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Commission shall decide which street will be considered as the front street. No principal structure

shall be erected on the rear of the lot, except as specified in Sections 5.201 and 5.203.

- 5.203 Lots Fronting on an Alley. Individual lots, existing at the effective date of this Ordinance, fronting on an alley, shall comply with all the requirements of this Ordinance and the district in which said lots are located.
- 5.204 Side Yard of a Corner Lot. The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.
- 5.205 Corner Lots. No obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two points each located 30 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

5.300 ACCESSORY STRUCTURES AND USES

- 5.301 Accessory Structures. All accessory structures shall conform with the minimum yard regulations established in Article 4, except as permitted below:
- a. Unattached Structures Accessory to Residential Buildings. Structures accessory to residential buildings which are not attached to a principal structure, may be erected within the required side and rear yards of a principal structure provided that they conform with the following:
1. Maximum Height - One and one-half stories or 15 feet in height.
 2. Distance from Side Lot Line - For those lots 22 feet wide and less, a side yard shall not be required. Lots greater than 22 feet, but 30 feet or less, one side yard shall be required. Lots greater than 30 feet, two side yards shall be required. Where a side yard is required or provided, it shall be a mini-

mum of three feet from the side lot line. In those instances where a side yard setback is not provided, a two hour rated fire wall shall be constructed on the side lot line side of the structure abutting the neighboring property.

3. Distance from Rear Lot Line - Not less than 4 feet from the rear lot line.
4. Distance from Principal Structure - Not less than 10 feet from a principal structure.

- b. Unattached Structure Accessory to Nonresidential Buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least 10 feet.
- c. Fences and Walls. Unless specifically noted, the provisions of this Ordinance shall not apply to fences, terraces or walls less than six feet in height above the average natural grade, nor to terraces, steps, unroofed porches or other similar features not over three feet high above the level of the floor of the ground story.

5.302 Home Occupations. Home occupations shall be conducted only by residents of the dwelling unit who may not employ more than one additional nonresident person and that the only external evidence of the home occupation shall be a sign not exceeding one and one-half square feet in area. Such home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall be restricted to professional offices, the training or tutoring of up to four adults in small classes, nursery school classes limited to no more than 10 children, custom dress making, millinery or tailoring, women's beauty salons, and barber shops. In each case, the required off-street parking must be provided.

5.303 Home Gardening, Nurseries and Greenhouses. Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted in residential areas provided they are used by the residents for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

5.304 Private Outdoor Swimming Pools. A private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or their guests. Such a pool may be located within the required rear or side yards for the district in which the pool is to be located, except that no portion of the pool shall be located closer than two feet or 10% of the lot width, whichever is greater, to the side property line and ten feet from the rear property line.

Permits shall be required for pools of 250 square feet or greater water surface area. A pool of lesser area shall not be located nearer than 2 feet from any side property line.

Fencing shall conform to the McKees Rocks Building Code.

5.400 SIGNS

5.401 Signs in Residential Districts. Nonflashing, non-animated and nonadvertising signs are permitted in residential districts in accordance with the requirements set forth in the following table.

SIGN REGULATIONS FOR RESIDENTIAL DISTRICTS

Type of Sign	Maximum Area (Sq. Ft.)
1. Name plates, identification signs, or home occupation signs.	1.5
2. Sale, rental or temporary signs	3
3. Signs accessory to nondwelling structures	16

No such sign shall be higher than 10 feet above average grade.

The number of signs shall be restricted to one sign on each street which the property abuts for each dwelling unit, entrance, exit or building to which it pertains.

5.402 Nonflashing and Nonanimated Signs in Commercial and Industrial Districts. Nonflashing and non-animated business signs are permitted in all Commercial and Industrial Districts in accordance with the following:

- a. Area of Signs. In no case shall any single sign structure exceed 300 square feet in area and no principal establishment contain more than two signs.

Flashing and animated signs of any size are not permitted. The maximum gross area of all signs located on any property shall be in accordance with the requirements set forth in the following table.

SIGN REGULATIONS FOR
COMMERCIAL AND INDUSTRIAL DISTRICTS

District	Maximum Gross Surface Area (Sq. Ft.) of all Signs Per Foot of Lot Frontage
C-1	2
C-2	2
I-1	3

- b. Height of Signs. No sign may be higher than 30 feet above the ground.
- c. Advertising Signs. Advertising signs are not permitted in residential or commercial districts.
 - 1. Proximity of Signs. Freestanding advertising signs shall be no closer to one another than 500 feet.
 - 2. Advertising signs shall not have a combined gross surface area in square feet exceeding two times the frontage of the lot on which they are located and in no case shall any single sign exceed 300 square feet.

5.403 General Sign Regulations. The following regulations shall apply to all permitted sign uses:

- a. Location. The main supporting structure of all freestanding business signs and freestanding signs permitted in residential or other districts shall not be located closer than three feet to any property line, except for official traffic signs or other governmental signs.

Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 36 inches from the wall to which it is attached.

Signs shall not be located in nor overhang any public right-of-way; except when such signs are required in connection with the provision of municipal services.

Signs shall not project over any public right-of-way, except as provided for above by 36 inch projection outward from face of building, in those Districts (C-1 and C-2) where no front yard is required.

- b. Illuminated Signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbance which shall be incompatible with the nature of the adjoining neighborhood in which it is located, as determined by the Zoning Board, after receipt of a recommendation from the Planning Commission.
- c. Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements.
- d. Access to Building. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape, or so as to prevent free access from one part of a roof to any other part. No sign of any kind shall be attached to a standpipe or fire escape.
- e. Zoning Permit. A zoning permit shall be required for the erection, or alteration of any sign, except name plates, identification signs, home occupation signs, sale or rental signs.

- f. Replacement of Hanging or Suspended Signs. No existing non-conforming hanging or suspended sign may be reconstructed or replaced; however, all such signs must be kept in good repair.
- g. Temporary Signs. All temporary signs erected for a special event shall be removed by the property owner within fifteen (15) days, when the circumstances leading to their erection no longer apply.

5.404 Existing Signs.

- a. Removing or Reconstructing Signs. No sign heretofore approved and erected shall be repaired, altered or moved, nor shall any sign, or any substantial part thereof, which is blown down, destroyed or removed, be re-erected, reconstructed, rebuilt or relocated unless it is made to comply with all applicable requirements of this Section.
- b. Relocating Signs. Any sign that is moved to another location either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith.

5.500 OFF-STREET PARKING AND LOADING

- 5.501 Off-Street Parking. In all Districts, except the C-1 district, off-street parking spaces shall be provided as set forth in the following table, whenever any building is erected or enlarged. Such spaces shall have an area of at least 200 square feet and shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are accessory or within a radius of 400 feet.
- 5.502 Off-Street Loading. Every commercial, industrial or other building which requires the receipt or distribution by vehicles of material or merchandise shall provide one off-street loading space for each 10,000-25,000 square feet of gross building floor area and additional space for each additional 25,000 square feet or part thereof, and each such space shall be at least 300 square feet in area, with a minimum height clearance of fourteen feet.

REGULATIONS FOR OFF-STREET PARKING SPACES

Type of Use	No. of Parking Spaces Required
1. Offices, Retail Business and Customer Service Establishments	1 for every 300 sq. ft. of total floor area
2. Restaurants, Tavern and Night Clubs	1 for every 2.5 seats
3. Medical and Dental Clinics	5 for every doctor or dentist
4. Motel or Tourist Homes	4 for every 3 sleeping rooms
5. Hotels	4 for every 3 sleeping rooms
6. Churches, Theaters, Auditoriums and Places of Assembly	1 for every 3.5 seats
7. Elementary Schools	1 for every 15 classroom seats
8. Secondary Schools	1 for each 2 teachers and employees plus 1 for each 10 students
9. Colleges, Universities and Commercial Schools	1 for every 5 classroom seats
10. Social Halls, Clubs and Lodges	1 for every 200 sq. ft. of total floor area
11. Bowling Alleys	5 for every 1 alley
12. Hospitals	1 for every 2 beds
13. Single and Two Family Dwellings	2 for every dwelling unit
14. Multi-Family Dwellings	4 for every 3 dwelling units
15. Funeral Homes	20 for each home
16. Rooming Houses and Dormitories	1½ for each occupant
17. Manufacturing Plants	1 for every 3 employees (a,b)
18. Wholesale Establishments and Warehouses	1 for every 2 employees (a)
19. Nursing and Convalescent Homes	1 for every 4 beds
20. Beauty Shop	2 for each operator
21. Barber Shop	2 for each barber

(a) Plus one additional space for each 1,000 sq. ft. of floor area.

(b) In no case shall the total parking area be less than 25 percent of the floor area.

*5-10 for + ...
Parking*

5.503 Development of Parking and Loading Spaces. All off-street parking and loading areas which serve non-residential uses shall conform with the following:

- a. Off-street parking and loading lots may be developed on any required side, front, or rear yard, but not closer than 15 feet to any street pavement.
- b. They shall be surfaced with a durable bituminous or concrete paving material within one year and shall be properly graded and drained to dispose of all surface water.
- c. They shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated with luminars which shall not be located more than 10 feet above ground level, if designed for use by more than three cars after dusk.
- d. Exit and entrance driveways or access points shall be at least 20 feet wide and shall not exceed 40 feet in width and wherever practical shall not occupy the full width of the streets, alleys or other rights-of-way from which they derive their access, but shall be limited to well-defined points, and shall be so designed to provide maximum safety for other adjoining or nearby uses.
- e. No ingress or egress shall be permitted within 30 feet of an intersection measured at the property line.

5.600 EXCAVATIONS

Any excavations for the removal of topsoil or other earth products must be adequately drained to prevent the formation of pools of water. Such excavations shall be graded to avoid the creation of open pits, holes, or depressions which are below the elevation of adjacent roadways.

Unless specifically permitted by the Zoning Hearing Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised more than three feet above the nearest road, that hazardous or nuisance conditions are not created, that an unsightly appearance or unstable slopes are not created.

Excavations only by permit and issued only when shown not to be detrimental to neighborhood or objectives or ordinances. Excavations may not be permitted to remain as a scar to the land and must be contoured and seeded to restore to contour with surrounding land.

5.700 NONCONFORMING USES AND BUILDINGS

Any legal nonconforming use may be continued, repaired, maintained and improved except as provided below, subject to the review and approval of the Zoning Hearing Board.

- a. Enlargement - Such nonconforming use may not be enlarged more than 25 percent of the existing floor or use area and/or lot area.
- b. Discontinuance - No such use may be re-established after it has been discontinued or vacated for a period of 12 months or more, unless an extension is granted by the Zoning Hearing Board.
- c. Change of Use - A nonconforming use may be changed to another nonconforming use only if such change is more appropriate to the character of the District in which it is located as determined by the Zoning Hearing Board.

5.800 OTHER SUPPLEMENTARY REGULATIONS

- 5.801 Yard Planting and Screening. Yard screening shall be provided along the boundaries of any manufacturing or commercial use or off-street parking lot and on any Special Use where such screening is required. Such screening shall consist of a visual screen or obstruction of suitable shrubs, hedges, fences, or walls at least three feet high. Proposals for such screening shall be reviewed by the Planning Commission and where such screening does not effectively buffer the residential use from said adjoining use, the Zoning Hearing Board shall require additional screening to comply with the objectives of this Ordinance.

Fences, walls, shrubs, or hedges under six feet tall may be located in any yard or court and shall be maintained in good condition. Suitable trees and other plant material designed to enhance the livability and attractiveness of any lot may also be located in any yard or court.

- 5.802 Slope of Yards. The surface area of any yard or open space adjacent to a building or structure shall be graded so that surface water will be drained away from any structure.
- 5.803 Design of Nonresidential Development. It is the objective of this Ordinance to encourage the orderly development of new commercial, industrial, and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health, welfare, safety and aesthetic enjoyment of the population of the Borough.
- a. The design of streets, service drives and pedestrian ways shall provide for safe, convenient, and hazard free internal circulation of goods, persons and vehicles.
 - b. Nonresidential parcels shall be limited to no more than two (2) driveway access points from each street or highway from which they derive their principal access, and such driveway access points shall not be more than forty (40) feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
 - c. New or converted commercial structures in the C-1 District shall either be physically connected to any adjoining structures located on the same or adjacent lots, or if not physically connected shall be located at a distance of at least 10 feet from such adjoining structures.
 - d. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for nonresidential development, the plan shall insure that the following criteria shall be complied with:

1. The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
2. The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.
3. The development of pedestrian walkways between adjoining parking area and buildings.
4. The provision of landscaping, screening and other features which will enhance the character and attractiveness of the area.

5.804 Location of Auto Service Facilities. No auto service facilities, including gasoline stations, automobile repair garages, and auto service stations, shall have an entrance or exit for vehicles within two hundred (200) feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, or public library, and such access shall not be closer to the intersection of any two (2) street lot lines than thirty (30) feet.

No gasoline station or parking garage shall be permitted where any oil draining pit or visible appliance for any such purpose is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R-District, except where such appliance or pit is within a building.

Rest room area shall be screened from the street.

5.805 Maintenance of Structure. All structures permitted under this Ordinance shall be adequately maintained and painted to avoid their deterioration, decay, collection of debris or other condition which might endanger the public health, safety and welfare.

5.806 Conversions. Where permitted within the residential districts: The redesign and conversion of existing residential structures into two-family and multi-

family dwellings. All conversions shall have at least one off-street parking space per dwelling unit and each unit shall have adequate and safe ingress and egress, light, air, heating and plumbing facilities and shall have at least 800 square feet of living space for each dwelling unit. Such conversions shall also be landscaped and screened and protected from glare, noise and other influences which may adversely affect the residential character of the converted use.

Where permitted within the commercial districts: The redesign and conversion of residential or other non-commercial structures to commercial use. When such conversions are proposed, they shall comply with the following:

- a. The design of said conversion shall be undertaken in a manner which ensures its compatibility with other structures in the neighborhood.
- b. All of the parking requirements of this Ordinance shall be complied with.
- c. All driveways and vehicular access to the structure shall be planned in a manner which ensures vehicular and pedestrian safety. Driveway access points shall be restricted to the minimum required to provide safe vehicular access.
- d. The Planning Commission shall review all applications for conversions and shall make appropriate recommendations to the Zoning Hearing Board which are designed to provide for compliance with this Section.

5.807 Multi-Family Residential. Includes medium and high density dwellings which are served with public water and sewer facilities. Such dwelling structures shall be attractively landscaped, shall have adequate ingress and egress and shall provide a usable, open yard or recreation space of at least 200 square feet per dwelling unit and shall comply with Schedule II.

5.808 Rooming Houses. All rooming houses shall be operated by a responsible family residing on the premises and shall establish a procedure for the proper operation and maintenance of the rooming units so as to ensure

the livability of these units and also to ensure that these units do not detract from the residential character of the district in which they are located.

5.809 Mobile Home Parks. Includes the development of mobile home parks planned as a unit which are located on tracts of land at least 5 acres in size. Also includes individual mobile homes located in such parks. Such mobile home parks and individual mobile homes shall comply with all of the regulations of the State of Pennsylvania for Mobile HOME Parks and with the following additional regulations:

- a. Individual mobile home lots located in a mobile home park shall contain at least 4,000 square feet of lot area. The clustering of mobile home units on a lesser sized area, to produce a livable environment, may be permitted; provided that the objectives of this Section are complied with and provided further that the overall average lot area per unit of the park shall not be less than 4,000 square feet.
- b. No mobile home shall be located closer than 50 feet to any property line defining the external boundary of the park.
- c. No structure located on any lot in any mobile home park shall be closer to any front line than 25 feet; to any side lot line than 10 feet; nor to any rear lot line than 20 feet.
- d. The minimum side clearance between any two adjacent mobile homes shall be 30 feet.
- e. Roadway or area lighting shall be reflected away from adjoining properties.
- f. The commercial sale of mobile homes from a mobile home park by a mobile home dealer shall be prohibited.
- g. Individual tenants at the mobile home park may construct attached enclosures to individual mobile homes, provided that such enclosures do not exceed 100 percent of the floor area of the mobile home. Individual building and zoning permits shall be required for such enclosures in each case.

- h. The layout and construction of new streets within the mobile home park shall conform with the requirements of the Subdivision Regulations of the Borough.
- i. All mobile home parks shall provide to each lot line both a continuing supply of safe and potable water as approved by the Pennsylvania Department of Environmental Resources. The park shall provide a connection to public sanitary sewage disposal facilities of the Borough or to facilities provided by the developer, which shall be in accordance with, and as approved by, the Pennsylvania Department of Environmental Resources.
- j. All area devoted to utility purposes, such as garbage storage area, common washing or drying facilities and other such area shall be adequately screened.

5.810 Planned Residential Developments. Includes residential uses of all types which are located on a tract of land at least ten acres in size which is planned for development in its entirety under single ownership or control. Such residential large-scale developments may be permitted by the Board for the purpose of encouraging a flexibility of design which will result in an integrated site plan designed to benefit the residents or occupants of such development and of neighborhood properties, and shall comply with the following:

- a. It shall consist of either single-family, two-family, or multi-family dwellings, or combinations thereof, and accessory uses provided that the average number of square feet of land area per dwelling unit, excluding streets shall comply to at least 75 percent of the requirements set forth in Schedule II.
- b. The proposed developer shall demonstrate that a sufficient market exists for the type, size and character of the development proposed.
- c. Adequate, safe and convenient pedestrian and vehicular circulation facilities, including roadways, driveways, off-street parking and loading, sidewalks, malls and landscaped areas,

- to serve the development shall be provided.
- d. Paving and drainage facilities shall be designed to adequately handle storm waters, prevent erosion and the formation of dust.
 - e. Signs and lighting devices shall be properly arranged to avoid conflicts with residential uses.
 - f. The orientation of buildings shall provide adequate light, air and open space, and shall conform with the following:
 - 1. In buildings containing multiple dwelling units, walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposures.
 - 2. Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
 - 3. A building wall exposing both windows and an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than fifty feet.
 - 4. A building wall exposing only windows or only an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than twenty-five feet.
 - 5. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.
 - g. Usable open space suitable for use as play area for children or as outdoor living space for families shall be provided in amounts not less than 500 square feet per dwelling unit for single-family and two-family dwellings and 300 square feet per dwelling unit for multi-family units. In addition, public open space amounting to at least 5 percent of the land area of the tract shall be reserved for use as buffers, landscaped areas, wooded areas or other forms of open space designed to enhance the attractiveness and livability of the development.

- h. Such residential uses may include compact integrated retail and service shopping facilities which are designed to serve the development or other nearby residential area provided that such integrated shopping facilities comply with the special use requirements of Section 5.803.
- i. All area devoted to utility purposes, such as garbage storage area, common washing or drying facilities and other such areas shall be adequately screened.

5.811 Outdoor Recreation Facilities. Includes such uses as golf courses, iceskating rinks, commercial or public swimming pools and tennis courts.

In any district where permitted, no building shall be located within fifty (50) feet of any property line.

In any district where permitted, there may be permitted retail sales which are clearly related to the principal use.

Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining residential uses. Lighting shall be directed away from adjoining uses.

5.812 Clubs and Lodges. Any such use shall front on a public street having a minimum pavement width of not less than thirty (30) feet and shall provide ingress and egress so as to minimize traffic congestion.

Such uses shall not be located on lots of less than 8,000 square feet with a minimum frontage of 100 feet.

When permitted in an R-3 district such uses shall be a minimum of thirty (30) feet from any property line. There may be included retail sales for guests only.

5.900 PERFORMANCE STANDARDS

5.901 All uses shall comply with the following:

- a. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.

- b. Vibration. An operation which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.
- c. Radioactivity. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter I, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, and any subsequent revision or amendments.
- d. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.
- e. Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business, shall be permitted.
- f. Glare. No direct or reflected glare shall be detectable from any R-zone boundaries.
- g. Heat. No direct or reflected heat shall be detectable from any R-zone boundaries.
- h. Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
- i. Smoke. No smoke shall be emitted in such quantity as to become a nuisance.

ARTICLE 6 - FLOOD PLAIN REGULATIONS

6.100 INTRODUCTION

6.101 Declaration of Legislative Intent: The specific intent of this Article is to:

- a. Promote the general health, welfare, and safety of the community.
- b. Reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding.
- c. Minimize danger to public health by protecting water supply and natural drainage.
- d. Promote responsible floodproofing measures within the Flood Plain District.

6.200 DEFINITIONS

6.201 The "Flood Plain" is defined as:

- a. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- b. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

6.300 ESTABLISHMENT OF FLOOD PLAIN DISTRICT

6.301 Zone F-A

Those areas subject to inundation of flood waters of the one hundred (100) year frequency. (see zoning map)

6.400 PERMITTED USES

6.401 In Zone F-A, the development and/or use of any land will be permitted, provided that the development or use adheres to:

- a. All the requirements of the underlying zone.
- b. The regulations specified in Section 6.500

6.500 REGULATIONS FOR AREAS IN ZONE F-A SUBJECT TO INUNDATION BY STREAM OVERFLOW

- 6.501 Building Elevation. No first floor, or opening below the first floor, of any building shall be constructed at an elevation of less than one (1) foot above the elevation of the one hundred (100) year flood.
- 6.502 Structural Anchoring. Any structure permitted shall be firmly anchored to prevent the structure from floating away and thus threaten life or property downstream or to further restrict bridge openings and other restricted sections of the waterbody.
- 6.503 Structural Effect. Any structures permitted shall be constructed and placed on the lot so as to offer minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.
- 6.504 Obstructions. The following shall not be placed or caused to be placed in the flood hazard area: fences, except two-wire fences, other structure or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood plain.
- 6.505 On-Site Sewage Disposal Systems. No part of any on-site sewage disposal system shall be constructed within this area.
- 6.506 Storage of Materials. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below an elevation one (1) foot above the elevation of the one hundred (100) year flood.

- 6.507 Installation of Fill Materials. Fill shall consist of soil or rock materials only. Sanitary land fills shall not be permitted.
- 6.508 Recommendations of an Architect or Engineer. Plans for buildings and structures within this area shall incorporate the recommendations of a registered architect or certified engineer to provide for protection against predictable hazards.

6.600 APPROVAL BY THE ZONING ENFORCEMENT OFFICER

- 6.601 In addition to meeting the normal requirements in obtaining a building permit, all plans for buildings and structures within or adjacent to the Flood Plain District shall adhere to the specifications and requirements contained in Section 6.500. Prior to granting a permit, a written statement from a registered architect or engineer shall be submitted attesting that all structures in question meet the specifications as stated in Section 6.500.

6.700 MUNICIPAL LIABILITY

- 6.701 The grant of a zoning permit or approval of a Subdivision Plan in the Flood Plain District shall not constitute a representation, guarantee or warranty of any kind by the Municipality, or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Municipality, its officials or employees.

ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT

7.100 GENERAL PROCEDURE

- 7.101 General Sequence of Steps. All persons desiring to undertake any new construction, structural alteration or change in the use of a building or lot shall apply to the Zoning Official for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Official will then either issue or refuse the Zoning Permit or refer the application to the Zoning Hearing Board. After the Zoning Permit has been received by the applicant, he may proceed to undertake the action permitted by the Zoning Permit and upon completion of such action shall apply to the Zoning Official for an Occupancy Permit. If the Zoning Official finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.
- 7.102 Zoning Permit Types. Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:
- a. Permitted Uses. A Zoning Permit for a Permitted Use may be issued by the Zoning Official on his own authority.
 - b. Special Uses. A Zoning Permit for a Special Use may be issued by the Zoning Official upon the order of the Zoning Hearing Board and after a public hearing held by the Zoning Hearing Board for the purpose of deciding such special use.
 - c. Zoning Permit After an Appeal or a Request for a Variance. A Zoning Permit may be issued by the Zoning Official upon the order of the Board and after a public hearing held by the Zoning Hearing Board for the purpose of deciding upon an appeal or a request for a variance.
 - d. Temporary Permits. Temporary permits may be authorized by the Zoning Hearing Board for a period not to exceed one year, for non-conforming uses incidental to housing and construction projects, including such structures and uses as storage of building materials and machinery, the

processing of building materials and a real estate office located on the tract being offered for sale; provided, such permits are issued upon agreement by the owner to remove the structure or structures or the use upon expiration of the permit. Such permits may be annually renewed for a period not exceeding three (3) years.

7.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

7.201 Zoning Permits. The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and no person shall erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Official. All applications for Zoning Permits shall be in writing on forms to be furnished by the Zoning Official.

Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance. The Zoning Official or the Zoning Hearing Board may revoke a Zoning Permit at any time if it appears that the application is in any material respect false or misleading, or that work being done upon the premises differs materially from that called for in the application.

The action covered by a Zoning Permit shall be initiated within six months from the date of issue and such action must be completed within a reasonable time period, not to exceed two years unless an extension is granted by the Zoning Hearing Board.

7.202 Occupancy Permits. The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building for which a Zoning Permit is required, or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Official. A copy of the Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the Borough. All applications for

Occupancy Permits shall be in writing on forms to be furnished by the Zoning Official.

7.203 Registration of Nonconforming Structures and Nonconforming Uses. The Zoning Official shall identify and register all nonconforming structures and nonconforming uses.

7.204 Certificate of Nonconforming Use. The owner of the premises occupied by a lawful nonconforming use or building may secure a Certificate of Nonconforming Use from the Zoning Official. Such Certificate shall be authorized by the Zoning Hearing Board and shall be for the purpose of insuring to the owner the right to continue such nonconforming use.

7.300 ZONING OFFICIAL

7.301 Office of Zoning Official Hereby Created. This Ordinance shall be enforced by the Zoning Official. Borough Council shall appoint said Zoning Official and shall determine his payment.

7.302 Duties and Powers. The Zoning Official shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within thirty days of the receipt of the application. The Zoning Official shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He shall keep records of applications, of permits or certificates issued, of variances granted, of inspections made, of reports tendered and of notice or orders issued, and shall make all required inspections and perform all other duties as called for in this Ordinance.

7.400 ZONING HEARING BOARD

7.401 The Borough Council does hereby create a Zoning Hearing Board as provided for by the laws of the Commonwealth of Pennsylvania.

7.402 Appointment of Members. The Board shall consist of three members to be appointed by Council. One member shall be designated to serve until January 1 of the year following the adoption of this Ordinance,

one until January 1 of the first succeeding year, and one until January 1 of the second succeeding year. Board members may succeed themselves. Their successors shall be appointed on the expiration of their respective terms, to serve three years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the terms.

7.403 Duties and Powers. The Board shall be responsible for the interpretation of this Ordinance, and shall adopt, and make available to the public, rules for the exercise of its functions. The duties and powers of the Board shall be to hear and decide appeals where it is alleged that an error has been made in the enforcement of this Ordinance, hear and decide requests for Special Uses and Variances. The Board shall perform such other duties as may be provided or made necessary by this Ordinance, including the interpretation of boundaries, the holding of public hearings, the referral of any pertinent matter to the Planning Commission for review and recommendations, and the maintenance of records on all decisions and findings.

7.404 Referral to Planning Commission. The Board shall refer to the Planning Commission for review and advice, all applications for variances, special uses or amendments. In its review, the Planning Commission shall report in writing its findings and recommendations if any to the Board within thirty (30) days. The Planning Commission shall in all matters be considered only as an advisory body to the Board and the Board shall make and be responsible for all decisions and actions required by this Ordinance.

7.500 VARIANCES AND SPECIAL USES

7.501 Board May Authorize Variance. Upon appeal, and after a public hearing, the Board may only for a use permitted in the zone district, vary the strict application of any of the requirements of this Ordinance, provided that said variance shall be in the case of exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The purpose of any

variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

7.502 Required Showing for Variances. No variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds special circumstances or conditions, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood, that said circumstances or conditions are such that the strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of the land or building and that the variance granted by the Board, is the minimum variance that will accomplish this purpose, and that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

The board may grant a variance provided the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size of 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 the zoning ordinance in the neighborhood or district in which the property is located.
2. 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 the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. 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; and

5. 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.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

7.503 Board May Decide on Requests for Special Uses.

Special Uses, also known as Special Exceptions, shall require individual consideration in each case and shall be permitted only upon authorization of the Board after the review and receipt of advise from the Planning Commission as specified in Section 7.404 and after public hearing.

7.600 APPEALS AND PUBLIC HEARINGS

- 7.601 Appeal from Decision of Zoning Official. Any person, firm or corporation which deems itself aggrieved by any order of the Zoning Official shall have the right to file a written appeal to the Board within twenty (20) days of the issuance of said order. The Board shall decide each appeal within 45 days after the last hearing before the Board or hearing officer, and shall give notice to all parties in interest. The Board's decision shall be immediately filed in its office and be a public record.
- 7.602 Expiration of Appeal Decision. Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within six months from the date of authorization thereof.
- 7.603 Appeal from Decision of Board. In case of an appeal from the Board to the Court of Common Please, the Board shall make the return required by law, and shall promptly notify the Borough Solicitor of such appeal and furnish him with a copy of the return including transcript of testimony. Any order of the Board not appealed within 30 days shall be final.

- 7.604 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Official certified to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Zoning Official, or by the Court of Common Pleas.
- 7.605 Information Required on Appeals to the Board. All appeals from a decision of the Zoning Official and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
- a. The name and address of the applicant, or appellant.
 - b. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
 - c. A brief description and location of the zone lot to be affected by such proposed change or appeal.
 - d. A statement of the present zoning classification of the zone lot in questions, the improvements thereon and the present use thereof.
 - e. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
 - f. A reasonably accurate description of the present improvement, and the additions or changes intended to be made under this application, indicating the the size of such proposed improvements, material and general construction thereon. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

- 7.606 Public Hearings to be Held by Board. Upon filing with the Board of an appeal or a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a time and place for a public hearing thereof as follows:
- a. Public Notice. Notice given not more than 30 days and not less than 14 days in advance of any public hearing required by Act 247, Pennsylvania Municipalities Planning Code. Such notice shall be published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
 - b. Notice to Appellant. By mailing a notice thereof by certified mail to the appellant.
 - c. Notice to Local Officials. By mailing a notice to the President of Council, the Commission, the Zoning Officer and the Borough Secretary.
 - d. Notice to Interested Parties. By mailing a notice thereof to any interested party who shall have registered their names and addresses for this purpose with the Board.
 - e. Notice to Owner and Neighborhood. When the Board shall order, by mailing a notice thereof to the owner, if his residence is known, and to the occupant of every lot on the same street within three hundred (300) feet of the lot or building in question, and of every lot not on the same street within one hundred (100) feet of said lot or building; provided that failure to give such notice as specified in this paragraph shall not invalidate any action by the Board.
 - f. Nature of Notice. The notice required shall be posted upon instructions from the Board and shall state the location of the building or lot in question and the general nature of the question involved.

- g. The Board shall require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board.

7.700 AMENDMENTS

The Borough Council may, on their own motion or by petition, amend, supplement, change, modify, or repeal this Ordinance including the Zoning Map, by proceeding in the following manner:

- 7.701 Public Hearings. The Council, by Resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment. At least fourteen days notice of the time and place of such hearing shall be published in one newspaper of general circulation. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.
- 7.702 Review by Planning Commission. Every such proposed amendment or change, whether initiated by the Council or by petition shall be referred to the Commission for report thereon before the public hearing provided for. If the Planning Commission shall fail to file such a report within thirty (30) days, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.
- 7.703 Opportunity to be Heard. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.
- 7.704 Adoption of Amendment. The adoption of an amendment shall be by simple majority vote of the Borough Council.

7.800 VIOLATIONS

- 7.801 Council may Initiate Appropriate Action. In case any building, or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in viola-

tion of this Ordinance, or of any ordinance or regulation made under authority conferred hereby, the Borough Council, or, with their approval, the Zoning Official or other proper official, 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 within 10 days and to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

- 7.802 Violation Punishable. Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500) for any offense, recoverable with costs, together with judgment or imprisonment not exceeding thirty (30) days if the amount of said judgment is not paid. Each day that a violation is permitted shall constitute a separate offense.

7.900 FILING FEES

The following fees shall be paid at the office of the Zoning Official upon the filing of an application:

- 7.901 Zoning Permits for uses not requiring a public hearing - Ten Dollars.
- 7.902 Zoning Permits for uses requiring a public hearing - Seventy-five Dollars.
- 7.903 Occupancy Permit - No fee
- 7.904 Variance or Appeal Application - Seventy-five Dollars.
- 7.905 Request for Amendment - Five Hundred Dollars.
- 7.906 Certificates of Nonconformance - No fee if application is made within twelve months after the effective date of this Ordinance. Otherwise, a fee to Two Dollars shall be paid.
- 7.907 Application for Interpretation of Boundaries - No fee.

