Chapter 310

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[HISTORY: Adopted by the Borough Council of the Borough of Johnsonburg 6-23-1965 by Ord. No. 523, approved 6-23-1965. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Department and Planning Commission — See Ch. 71.
Building construction — See Ch. 138.
Housing standards — See Ch. 200.
Subdivision and land development — See Ch. 265.

PREAMBLE[1]

The community purposes for the adoption of the Zoning Ordinance of the Borough of Johnsonburg are for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to facilitate adequate but economical provisions of public improvements; to regulate the location, height and size of buildings and other structures; to regulate the setback building lines, sizes of yards and other open spaces, the uses of buildings and other structures and the uses of land for residential, commercial and industrial areas; and for such purposes dividing the area of the Borough into districts or zones.

ARTICLE I
Designation of Districts

§ 310-1. Districts designated.

For the purposes of this chapter, the Borough is hereby divided into districts which shall be designated as follows:

A. R-1 Residential District, Low-Density.

B. R-2 Residential District, High-Density.

C. R-3 Residential Slope and Forest District.

D. C Commercial District.

1. **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

E. C-N Commercial Neighborhood District.

F. I Industrial District.

§ 310-2. Zoning Map.

The boundaries of said districts shall be shown upon the map attached to and made a part of this chapter, which shall be designated "Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.

§ 310-3. District boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, railroad rights-of-way, streams, or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated. Where no figures are shown and no other definite boundaries are indicated, then scaled distances shall be used.

§ 310-4. Lots in two districts.

When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations as to the use in a less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line.

ARTICLE II
Supplementary Regulations

§ 310-5. Application of article.

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

§ 310-6. Supplementary use regulations.

A. Agriculture and sale of farm products.

(1) Agriculture, tilling of the soil and raising of garden crops shall be permitted in all districts, provided that storage of manure or odor- or dust-producing substance shall not be permitted and structures in which animals or poultry are to be kept shall not be permitted.

(2) The selling of products raised on the premises shall be permitted, provided that all stands or shelters used for such sales shall be removed during that period when not

in use for the display of or sale of products, unless otherwise permitted within a specific district.

B. Clubs, lodges and fraternal organizations. In districts where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.

C. Dumps and dumping. Dumps shall be permitted only when operated under authorization and strict supervision of the municipal governing body.

D. Manufacturing permit. In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation for conformity to the requirements of this chapter, the following data shall be submitted with an application for a permit:

(1) Plot plan.

(2) Architectural plan.

(3) Description of operation.

(4) Engineering and architectural plans for water supply and sewage disposal.

(5) Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution and traffic.

(6) Proposed fuel.

(7) Number of shifts and maximum employment per shift.

(8) Additional pertinent data as may be required by the Zoning Officer.

E. Mining. Mining shall not be permitted.

F. Motels. In districts where permitted, motels shall be subject to the following safeguards and regulations:

(1) No motel shall have a lot area less than one acre.

(2) Motels shall utilize collective sewers connecting with an approved sewage disposal system.

(3) Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.

(4) The space between cabins or multiple units shall be not less than 20 feet and the space between the fronts or rears of cabins or multiple units shall be not less than 60 feet.

(5) At least one parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed on the motel premises shall be provided as required by Article IV.

(6) Every cabin or unit shall be provided with running cold and hot water and toilet facilities.

(7) With the application for a permit, a plan shall be submitted to the Zoning Officer showing the following:

(a) Extent and area of the property.

(b) Entrances, exits, driveways, roads and walks.

(c) Site of each structure.

(d) Plan for water supply.

(e) Plan for sewage disposal.

(f) Plan for supply of electricity and other utilities as may be provided.

G. Multiple dwellings. Multiple dwellings shall be permitted, subject to the controls and/or regulations set forth for the specific district in which a request for permit for construction of and/or conversion to multiple housing is made. Where such housing is permitted as a conditional use, a variance shall be necessary, subject to public hearing by the Zoning Hearing Board and all other requirements of applicable state and local law.

H. Municipal, township, state and federal buildings and uses. This chapter shall not apply to such buildings if the municipal governing body shall decide that such building or extension thereof or such use of any premises is reasonably necessary for the convenience or welfare of the public.

I. Public utility buildings and uses. This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation if, upon petition of such corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public; essential services shall be permitted without public hearings, as follows:

(1) Essential services. The erection, construction, alteration, use and maintenance by municipal or governmental agencies and public utilities or public service corporations of such facilities as are reasonably necessary for the furnishing of adequate service by such agencies, utilities or public service corporations or for public health, safety or general welfare, including underground or overhead electrical, gas, steam or water transposal systems, including poles, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, gas regulator and measuring devices, including the structures in which they are housed, and other similar equipment and accessories in connection therewith, provided that any structure housing such equipment shall conform to the general character as to appearance and structural material of the other structures

within the district, and further provided that such structure shall not include the storage of vehicles or equipment necessary to the normal maintenance, repair or installation for any utility. Structures shall not be permitted for the housing of transformers, pumps and similar equipment that causes any noise, odor, smoke or other hazardous effect. The installation of these essential services shall be permitted without the requirement of a public hearing by the Public Utility Commission, the Borough Council or the Zoning Hearing Board.

J. Schools, hospitals, churches and other public buildings. In districts where permitted, these uses shall meet the following requirements:

(1) Lot coverage. Lot area covered by all buildings, including accessory buildings, shall not be greater than 50% of the area of the lot.

(2) Yard regulations. Each lot shall have yards not less than the following depths or widths:

(a) Setback or front yard depth, 20 feet.

(b) Side yards, two in number, neither of which shall be less than five feet.

(c) Rear yard depth, 15 feet.

(3) Off-street parking. Parking shall be provided in accordance with the provisions of Article IV. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception.

(4) Service and access drives shall be at least 15 feet wide and not over 25 feet wide and shall be permitted to cross required yard areas, provided that the center line of the permitted drive shall not be at a lesser angle to the street line than 60°.

K. Service stations; taverns. No auto service station or tavern shall hereafter be located closer than 1,000 feet to any lot line of a school, hospital or public institution for human care. (See also additional controls as may be set forth in district regulations.)

L. Swimming pools, private. Private swimming pools shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:

(1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

(2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 20 feet to any property line of the property on which located.

(3) The swimming pool or the entire property on which it is located shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than two by four inches, except for approved gates; and when said fence is formed of metal or wire, such metal or wire shall not be less than No. 6 gauge.

M. Storage and/or parking of trucks, trailers and other commercially licensed vehicles. Unless otherwise specified for a specific district, such storage and/or parking of commercially licensed vehicles, including trailers, shall be entirely within an enclosed structure. Temporary permits for trailers shall be in accordance with Subsection P of this section.In residential districts, storage facilities for trucks, trailers and other commercially licensed vehicles shall not exceed two spaces.

N. Trailer camps. Trailer camps shall not be permitted.

O. Transient trailer camps. Transient trailer camps shall not be permitted.

P. Trailers, house trailers and/or mobile homes used to provide living quarters shall not be permitted in any district except as follows: **[Amended 5-10-1966 by Ord. No. 533, approved 5-10-1966]**

(1) Trailers and mobile homes shall be permitted in any district if:

(a) They are attached to a permanent foundation and are connected to all utility services then available, including the Borough water and sewer systems; if any of such services are not available, the house trailer owner shall be required to connect into each such service as soon as it becomes available.

(b) They comply with all the other provisions in this chapter regulating single-family detached dwellings in the district in which they are situated, including the requirements for minimum habitable floor area, lot size, setback, front, back and side yard, width and depth, coverage and every other provision or restriction in this chapter covering or affecting single-family detached dwellings.

(2) All trailers, house trailers and/or mobile homes which do not comply with the provisions of Subsection P(1) above shall be permitted in any district on a temporary basis only, in accordance with the terms of the temporary permit which must be obtained from the Zoning Officer. Such permit shall not be issued for a period exceeding 90 days.

(3) Trailers used as an accessory building during construction of a principal building on the same lot shall be permitted in any district for a period of one year, subject to the issuance of a temporary permit by the Zoning Officer. Any person, firm or corporation holding a legal temporary permit may apply for an extension of time, not to exceed 90 days. Such application shall set forth the reason necessitating such extension. The Zoning Hearing Board shall grant an extension of the temporary permit time limit if in its opinion the person, firm or corporation encountered unforeseen circumstances, deemed to be no fault of its own, in carrying out the operations for which the original temporary permit was issued.

Q. Veterinary establishments. Veterinary establishments solely limited to facilities necessary to the temporary treatment of sick or otherwise ailing pets normally permitted within the house and yard and to include dogs, cats, canaries, parakeets and similar household pets; such veterinary establishment may be erected as close as 50 feet to any lot line.

§ 310-7. Prohibited uses.

No lot shall be used nor building be erected, altered or used for any trade, industry or business that is obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or otherwise creates a nuisance or hazard to public health, safety and welfare. In addition to uses that may be prohibited above, the following uses are specifically prohibited:

A. The incineration, reduction or storage of offal, animals, fish or similar objectionable refuse.

B. The tanning or storage of rawhides or skins and fat rendering.

C. The manufacture of gunpowder, fireworks, liquid gas or other explosives, except as a by-product of other manufacturing operations. Wholesale storage of these items shall not be permitted. However, temporary storage shall be permitted for a time period not to exceed 30 days.

D. Racetracks of all types.

E. Slaughterhouses, stockyards and fertilizer plants.

F. Junkyards, auto wrecking and/or salvage yards.

G. Strip mining.

§ 310-8. Nonconforming uses.

A. A certification of nonconformance shall be issued by the Zoning Officer for all structures in conflict with the use designated for the zone in which they are situated, when requested by the owner of such structure.

B. Continuation.

(1) Any lawful use of a structure or land existing at the effective date of this chapter may be continued although such use does not conform to the provisions of this chapter.

(2) Any parcel of land and/or structure approved under the nonconforming clause herein can be sold, leased, conveyed or otherwise transferred and such nonconforming use continued. Changes in use shall be permitted as set forth under Subsection D of this section.

C. Extensions.

(1) A nonconforming use of a building may be extended throughout the building if no structural alterations are made therein.

(2) A nonconforming use may not be extended upon a lot occupied by such use and held in single and/or separate ownership at the effective date of this chapter.

D. Changes. A nonconforming use of a building or land may be changed to a more restricted classification.

E. Restoration. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt, provided that the owner applies for and receives authorization for such rebuilding from the Zoning Hearing Board, subject to the following:

(1) If the damage is less than 50% of the real value prior to destruction, rebuilding may take place upon the original foundation; however, if any expansion is proposed and approved, the rebuilding shall be controlled by all setback and open space requirements for the district in which it is located, and, when applicable, parking and loading requirements as set forth in Article IV.

(2) If the damage is greater than 50% of the real value prior to destruction, rebuilding shall conform with all the setback and space requirements for the district in which it is located, and, when applicable, parking and loading requirements as set forth in Article IV.

(3) No rebuilding shall be undertaken as provided herein until plans and specifications for rebuilding have been presented and approved by the Zoning Hearing Board.

F. Abandonment. If a nonconforming use of a building or land ceases for a period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter.

G. Nonconforming junkyard, auto wrecking and/or salvage yards. Where any such installation exists at the effective date of this chapter, it may continue. However, no expansion of area and/or operation shall be permitted and no additional damaged, worn out, abandoned or otherwise neglected vehicles or contrivance shall be added to the inventory. It shall be the duty of the Zoning Officer and Borough Council to establish, through negotiations with the owner of the affected junk, auto wrecking and/or salvage yard, a reasonable period of time in which to complete his operation and abandon and/or relocate beyond the Borough boundaries.

H. Storage of equipment and vehicles that have been or are abandoned, discarded, wrecked or otherwise rendered immobile shall not be permitted in any district unless entirely within an enclosed structure. Storage of similar equipment and/or vehicles on any public right-of-way or easement shall be prohibited.

§ 310-9. Uses not provided for.

Whenever in any district established under this chapter a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter.

§ 310-10. Height regulations.

A. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located.

B. Height regulations shall not apply to spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, television antennae, flagpoles and ornamental or necessary mechanical appurtenances.

C. For all residential uses, accessory buildings shall not exceed 16 feet in height.

D. No structure shall be hereafter erected less than one story in height.

§ 310-11. Habitable floor areas.

A. The minimum habitable floor area of a single-family detached dwelling hereafter erected shall be 600 square feet and shall include only the living room, dining room, kitchen and one bedroom. Bedrooms in excess of one, utility rooms, basements, bathrooms, attics, hallways, closets, stairways and unheated areas shall be floor area in excess of the 600 square feet required.

B. In the case of apartment houses, the minimum habitable floor area shall be not less than 400 square feet per apartment, except those apartments designed for and occupied exclusively by one person shall contain not less than 300 square feet of habitable floor area. (See definition of "floor area, habitable.")

§ 310-12. Lot area and access.

A. In the case of a lot held in single and separate ownership at the effective date of this chapter which does not fulfill the requirements for the minimum area for the district in which it is located, a building may be erected or altered thereon when authorized as a special exception.

B. In the case of a lot held in single and separate ownership at the effective date of this chapter, and/or the case of new developments, which because of unusual conditions of slope, depth or width has difficulty in providing the required open spaces of the district in which it is located, the required open spaces may be decreased when authorized as a special exception.

C. No lot area shall be so reduced that the area of the lot shall be smaller than herein prescribed.

D. Access to lots. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least 12 feet wide and shall extend from the dwelling to a public street or highway, or to a private street or highway having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purpose of this section, an alley shall not constitute a public street or highway.

§ 310-13. Special yard regulations.

A. Front yards.

(1) Each lot shall have a front yard as required in the district in which the lot is located, unless a greater front yard (setback) restriction is or will be required by a major thoroughfares setback ordinance or any other municipal ordinance.

(2) On corner lots, the required front yard on the long dimension may be reduced by an amount not to exceed 30% of the required front yard depth.

(3) When 40% or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed 50% in excess of the front yard otherwise required in the district in which the lot is located.

B. Structures in yard areas.

(1) Rear dwelling. In a residence district, no building to the rear of and on the same lot with the main building shall be erected or used for residence purposes.

(2) Accessory buildings.

(a) Accessory buildings shall not be constructed within any front or side yard, unless authorized by a special exception.

(b) Accessory buildings may be constructed in rear yard areas but not closer than three feet to the rear lot line. When the rear lot line abuts an alley, the rear yard depth shall be at least 12 feet.

(3) Projections. No principal building and no part of a principal building shall be erected within or shall project into the front, side or rear yard of a lot, except cornices, eaves and gutters. Steps and stoops or chimneys are permitted to project into yard areas, provided that the projection is not more than 18 inches.

(4) Vision obstruction. No walk, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted, which may cause danger to traffic on a street or public road by obscuring the view.

(5) Fences and walls. No fence or wall, except a retaining wall or a wall of a building permitted under the terms of this chapter, over five feet in height shall be erected within any of the open spaces required by this chapter unless that portion of the fence or wall exceeding five feet in height shall contain openings therein equal to 50% or more of the area of said portion of the fence or wall, provided that the required openings shall be deemed to include any openings that occur in that portion of the fence or wall that is within the first five feet of height of the fence measured from the ground. **[Amended 11-11-1986 by Ord. No. 86-650, approved 11-11-1986]**

C. Buffer yards required in addition to other spaces in Industrial Districts.

(1) Where an Industrial District abuts a residential district, a buffer yard of not less than 30 feet shall be required.

(2) Where an Industrial District abuts a street that abuts a residential district, a buffer yard of not less than 15 feet shall be required.

(3) Where an Industrial District abuts a stream, a buffer yard of not less than 15 feet shall be required.

(4) All of the foregoing buffer yards shall be planted and maintained with a vegetative material to include a row of trees not more than 40 feet on center. It shall be the responsibility of the property owners to select trees and/or shrubs for planting of buffer areas. However, to protect public sewers, water lines, appurtenant structures and to ensure the continuing safe use of sidewalks, curbs and other paved areas, the following trees shall not be planted in buffer areas:

(a) Poplars: all varieties.

(b) Willows: all varieties.

(c) White or silver maple (Acer Saccharinum).

(d) Aspen: all varieties.

(e) Common black locust.

(5) Buffer yards other than interior side or rear buffer yards may be crossed by access roads and service drives not more than 35 feet in width, provided that the angle of the center line of the road or drive crosses the lot line and buffer yard at not less than 60°.

§ 310-14. Courts.

A. Outer courts. The width of any outer court upon which windows from a living room, bedroom or dining room open shall be not less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.

B. Inner courts. The use of inner courts shall generally be discouraged. A structure requiring an inner court shall be permitted only by special exception authorized by the Zoning Hearing Board and, when so authorized, shall be subject to controls as deemed necessary by the Zoning Hearing Board. In any case, the least dimension of an inner court shall be no less than the full height of the walls enclosing the court.

§ 310-15. Drainage strips.

A. In all districts, no permanent structure shall be permitted within 15 feet of any stream or existing natural drainage channel.

B. If normal operations require a fence to cross a stream or drainage channel, such fence shall be permitted only if it does not restrict the natural flow of the water.

§ 310-16. Control of traffic and protection of public safety.

The application for a building permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways; said plans shall bear evidence of approval by the Planning Commission. Where a driveway or access road gives access to a state road or highway, approval by the Pennsylvania Department of Highways shall be required.

§ 310-17. Conversion apartments.

Any building existing at the effective date of this chapter in a district permitting conversion apartments may be converted to a dwelling for more than one family, provided that:

A. The lot area per family shall conform to the regulations for the district in which located.

B. There is no exterior evidence of change in the building except as required by Building or Housing Codes.[2]

C. Fire escapes, where required, shall be in the rear or at the side of the building and shall not be located on any wall facing a street.

D. Parking shall be provided in accordance with the provisions of Article IV.

§ 310-18. Modification or reduction of side yard areas in certain cases.

Where a lot is held under single and separate ownership prior to the effective date of this chapter and said lot contains a major structure establishing the principal use of the lot, accessory buildings shall be permitted either attached or unattached and the side yard areas may be modified as follows:

A. Carports. Side yard requirement may be reduced to a minimum of two feet.

B. Enclosed garage. The side yard may be reduced, subject to special exception authorized by the Zoning Hearing Board.

C. Driveways. Driveway construction shall be permitted to within six inches of the side yard. However, upon agreement by adjacent property owners, a common driveway may be permitted, provided that it is evident to the satisfaction of the Zoning Hearing Board that separate driveways of adequate, width could not be achieved.

D. Accessory buildings in rear yard areas shall be subject to the regulations set forth under § 310-13B(2) of this chapter.

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2. Editor's Note: See Ch. 138, Uniform Construction Codes; and Ch. 200, Housing Standards.

ARTICLE III
Signs

§ 310-19. Application of regulations.

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

§ 310-20. Signs in residence districts.

The following types of signs and no other shall be permitted in residence districts:

A. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:

(1) The size of any such sign is not in excess of six square feet.

(2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, may be erected and maintained, provided:

(1) The size of any sign is not in excess of 20 square feet.

(2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

C. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained, provided:

(1) The size of any such sign is not in excess of six square feet and not in excess of four feet in length.

(2) Not more than one such sign is erected on each 500 feet of street frontage.

D. Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained, provided the conditions in Subsection A hereof are complied with.

E. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

(1) The size thereof is not in excess of 12 square feet.

(2) Such signs are removed promptly upon completion of the work.

F. A trespassing sign or sign indicating the private nature of a driveway or property may be erected and maintained, provided that the size of any sign shall not exceed two square feet.

G. Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature may be erected and maintained, provided:

(1) The size of any such sign is not in excess of 40 square feet.

(2) Not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

H. Signs advertising home occupations shall be not larger than six inches by 18 inches, bearing the name and occupation (words only, not illuminated) of the practitioner.

I. Signs advertising the sale of farm products may be erected and maintained when permitted by this chapter, provided:

(1) The size of any such sign is not in excess of six square feet;

(2) Not more than two signs are used.

(3) The signs shall be displayed only when such products are on sale.

§ 310-21. Billboards or advertising signboards.

Billboards or advertising signboards may be erected and maintained in Commercial and Industrial Districts only when they relate or refer directly to the use conducted on the premises or to the material or products made, sold or displayed on the premises.

§ 310-22. Business identification signs.

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in Commercial and Industrial Districts. The size of business identification signs shall not be restricted; however, all general regulations shall apply to such signs.

§ 310-23. General regulations for all signs.

The following regulations shall apply to all permitted sign uses:

A. Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.

B. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.

C. No sign, other than an official traffic sign, shall be erected within the lines of any street, unless authorized by the municipal governing body for a special purpose.

D. No sign shall project over a public sidewalk in such a way as to endanger public safety in any manner.

E. A permit shall be required for the erection, alteration or maintenance of all signs except as permitted in § 310-20, Signs in residence districts.

F. A permit shall be required for the erection or alteration of billboards or advertising signboards.

G. Each sign and its structural components shall be removed when the circumstances leading to its erection no longer apply.

H. In all districts only those signs, billboards or advertising signboards referring directly to materials or products made, sold or displayed on the premises shall be permitted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.

ARTICLE IV
Off-Street Parking, Loading and Unloading

§ 310-24. General regulations.

A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space, carport or uncovered parking lot space located off the public right-of-way.

B. Each parking space shall consist of not less than an average of 270 square feet of usable area for each motor vehicle, including interior driveways and driveways connecting the garage or parking space with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine feet wide and 20 feet long. Outdoor parking spaces and the approaches thereof shall be paved or surfaced with a permanent, dustfree material. Such outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.

C. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board, provided a written agreement, approved by the Municipal Solicitor and accepted by the municipal governing body, shall be filed with the application for a zoning certificate.

E. Surfacing. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface and shall be so arranged as to provide for orderly and safe parking and storage of self-propelled vehicles.

F. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R District.

G. There shall be adequate provision for ingress and egress to all parking and loading spaces. Where a parking or loading area does not abut a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than 12 feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder.

§ 310-25. Parking and loading facilities required.

Any structure or building hereafter erected, converted or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than minimum parking spaces as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

A. Residential parking.

(1) Dwelling, One-family, one-family detached and one-family semidetached, two parking spaces for each family unit.

(2) Dwelling. Two-family detached, two parking spaces for each family unit. Note: For the purpose of this chapter, in residence districts when one or two parking spaces are required for dwellings, an attached or unattached garage or carport on the premises may be considered as parking space; driveways off the public right-of-way that are at least nine feet wide and 20 feet long may also be considered as parking space.

(3) Multiple dwellings: apartment houses and apartment hotels. The total number of parking or garage spaces shall not be less than 1 1/2 times the number of apartments in the building. A garage accessory to an apartment house or apartment hotel shall provide only for the storage of vehicles of the owner, tenants and employees. No parking space shall be provided nor parking permitted in front yard areas of apartment houses and apartment hotels, unless authorized as a special exception.

(4) Boarding or rooming houses, hotels, motels and tourist houses. At least one parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants in addition to those required for guest rooms.

B. Commercial parking.

(1) Theaters, auditoriums, churches, schools, stadiums or any other place of public or private assembly. At least one parking space for each three seats provided for public or private assembly.

(2) Retail stores and other places for trade or business. Parking shall be required at a ratio of one square foot of net retail floor area to four square feet of gross parking area.

(3) Restaurant, tearooms and cafeteria, including taprooms, taverns and nightclubs. One vehicle space for each 50 square feet of floor area for public use.

(4) Bowling alley. Five vehicle spaces for each alley.

(5) Office building. At least one parking space for each two employees.

(6) Public garages, automobile and gasoline service stations. At least one parking space for each 200 square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles. In no event shall parking be permitted on the public rights-of-way.

(7) Parking garage. No parking space shall be required in yard areas; however, no parking shall be permitted on the public rights-of-way.

(8) Hospitals and sanitariums. At least one parking space for each three patients for which accommodations are provided; such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees.

(9) Other commercial buildings. At least one parking space for each 300 square feet of floor area or fraction thereof, except when otherwise authorized as a special exception consistent with the principles set forth herein for comparable buildings.

(10) Drive-in dairy and restaurants. Provisions for parking for drive-in facilities must meet with the approval of the Zoning Hearing Board, and under no conditions will parking on the public rights-of-way be permitted.

(11) Dance halls, roller rink, clubs, lodges and other similar places. At least one parking space for each 100 square feet of floor area.

(12) Public swimming pool. At least one parking space for each three persons for whom facilities for dressing are provided, or at least one parking space for every 12 square feet of water surface, including areas for swimming, wading and diving, whichever requirement is the greater.

(13) Open areas used for commercial purposes. At least one parking space for each 1,500 square feet of area or fraction thereof.

(a) Golf driving range. At least one parking space for each tee provided.

(b) Tom Thumb golf. At least one parking space for each two persons for whom playing area is provided.

(c) In all cases, the area proposed for parking purposes in commercially used open areas is subject to the approval of the Zoning Hearing Board as to the adequacy of the proposed parking area in relation to the anticipated commercial demand.

(14) Mortuaries, funeral homes and undertaking establishments. At least one parking space for each 100 square feet of floor area for public use. Such space shall be in addition to employee parking needs and a service area for mobile equipment, such as hearses and ambulances.

C. Industrial parking. Off-street parking shall be provided on the premises in accordance with the following schedule:

(1) Industrial and manufacturing establishments. One vehicle parking space for each two employees on the combined major and next largest shift.

(2) Truck terminals and wholesale warehouses. One vehicle parking space for each two employees on the combined major and next largest shift.

(3) Visitors and salesmen. Space shall be provided in addition to the above parking requirements according to specific needs.

(4) Parking prohibited. Parking shall not be permitted on the public rights-of-way.

D. Loading and unloading space.

(1) In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital and similar uses shall provide adequate off-street area for loading and unloading of vehicles. The minimum size loading space shall be 45 feet in depth, 12 feet in width, with an overhead clearance of 14 feet, and shall be provided according to the following schedule:

Use	Gross Floor Area (square feet)	Number of Spaces
Stores, manufacturing, wholesale, commercial, hospital, laundry, mortuary, dry-cleaning and similar uses	Under 8,000	1
	8,000 to 25,000	2
	25,000 to 40,000	3
	40,000 to 100,000	4
	100,000 to 250,000	5
	Each additional 200,000	1
Office buildings, hotels	Under 100,000	1
	100,000 to 300,000	2
	Over 300,000	3

(2) In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading of materials.

ARTICLE V
Zoning Hearing Board

§ 310-26. Zoning Hearing Board.

The Borough Council shall appoint a Zoning Hearing Board. Such Board shall have a number of members and such powers and authority as is set forth under Section 3307 of the Borough Code, Act of July 10, 1947, Public Law 1621, as hereinafter amended.[3]

ARTICLE VI
Amendments

§ 310-27. Procedure for amendment.

The Borough Council may amend all regulations and/or restrictions included herein, by complying with requirements set forth under Section 3305 of the Borough Code, Act of July 10, 1947, Public Law 1621, as hereinafter amended.[4]

ARTICLE VII
Enforcement

§ 310-28. Enforcement Officer.

It shall be the duty of the Zoning Officer or other such duly authorized representative of the local governing body, and he is hereby given the power and authority, to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this chapter, record and file all applications for permits with accompanying plans and documents and make such reports as the municipal governing body may require. Permits for construction and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board.

§ 310-29. Permits.

A. Requirement of permits. A building permit shall be required prior to the erection, addition or alteration of any building or portion thereof, prior to the use or change in use

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3. Editor's Note: The former Zoning Board of Adjustment is now termed the Zoning Hearing Board. For currently effective provisions relating to the Zoning Hearing Board, see The Pennsylvania Municipalities Planning Code (Act No. 247 approved July 31, 1968), Article IX, Sections 901 through 916.

4. Editor's Note: For currently effective provisions relating to the amendment of zoning ordinances, see The Pennsylvania Municipalities Planning Code (Act No. 247 approved July 31, 1968), Article VI, Sections 601, 609, 610 and 611.

of a building or land, and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

B. Fees for permits shall be as established by resolution and/or ordinance of Council.

C. Application for building permits. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this chapter and all other pertinent ordinances. One copy of such plans shall be returned to the owner when such plans shall be approved by the municipal governing body. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

D. Issuance of permits. No building permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration complies with all the provisions of this chapter as well as with all the provisions of the Building Permit Ordinance,[5] as may now or hereafter be in effect.

E. Temporary permits. A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the municipality. Such permits shall be issued for a specified period of time not to exceed one year, and may be renewed annually for an aggregate period not exceeding three years.

§ 310-30. Inspection.

It shall be the duty of the Zoning Officer or his duly appointed representative to make an inspection of property for which a building permit has been issued, at the completion of construction. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this chapter. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, reconstruction or occupancy shall be permitted.

§ 310-31. Violations, penalties and remedies.

Failure to secure a building permit or a Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building, shall be a violation

5. **Editor's Note: See Ch. 138, Uniform Construction Codes.**

of this chapter. Any erection, alteration, occupancy and/or use of a structure or use of land in conflict with the provisions of this chapter shall constitute a violation hereof.

A. Notice of violation. When written notice of a violation of any of the provisions of this chapter has been served by the Zoning Officer on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

B. Penalties. For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any violation shall exist, shall be liable on conviction thereof to a penalty not exceeding $500 for each and every offense, and whenever such persons shall have been notified by the Zoning Officer by service of a summons in a prosecution, or in any other way, that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.[6]

C. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this Article or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute in the name of the municipality 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 building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§ 310-32. Appeals.

An appeal, or application for a special exception or variance from the terms of this chapter, may be filed with the Zoning Officer and shall contain:

A. The name and address of the applicant.

B. The name and address of the owner of the real estate to be affected by such proposed exception or variance.

C. A brief description and location of the real estate to be affected by such proposed change.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.

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6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

E. A statement of the section of this chapter under which the variance or exception requested may be allowed, and reasons why it should be granted.

F. A reasonably accurate description of the present improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and the size of improvements now erected and proposed to be erected thereon.

§ 310-33. Zoning Hearing Board certificate; certificate of nonconformance.

A. It shall be the duty of the Secretary of the Zoning Hearing Board to issue a Zoning Hearing Board certificate which shall indicate the action of the Zoning Hearing Board on applications for a special exception or a variance, or opinion on review. The Zoning Hearing Board may cancel or revoke a Zoning Hearing Board certificate for any violation of the chapter or of conditions imposed.

B. Certificate of nonconformance. An application for a certificate of nonconformance may be made to the Zoning Officer by the owner of any property which, at the time of the effective date of this chapter, does not conform to the provisions of this chapter. This certificate shall be for the purpose of ensuring to such owner the right to continue a nonconforming use, and a copy of the certificate of nonconformance shall be retained by the Zoning Officer.

ARTICLE VIII
R-1 Residential District Regulations

§ 310-34. Permitted uses.

A building may be used, erected or altered and a lot or premises may be used for any of the following purposes and for no other, subject to off-street parking regulations as set forth in Article IV:

A. One-family or one-family detached dwelling.

B. Educational, religious or philanthropic use, in each case when authorized as a special exception.

C. Public utility structures, including telephone, gas and electric; municipal structures and structures used for or in conjunction with municipal recreation programs, when authorized as a special exception; provided the architecture is in harmony with the established trend for the district; and in residential districts, no public business facilities, storage of materials, trucks or repair facilities or housing of repair crews will be permitted. (See Article II, § 310-6I.)

D. Agricultural uses are prohibited except for home gardening, and the sale of products raised on the premises will be permitted.

E. Home occupation, limited to professional offices within a single-family detached dwelling when such use is secondary and incidental to the major residential use of the structure. No more than one employee not a resident of the principal structure shall be permitted. Signs indicating the home occupation shall be as indicated in Article III, § 310-20H.

F. Signs (see Article III hereof).

G. Public parks and playgrounds.

H. Accessory use on the same lot with customarily incidental to any of the above permitted uses.

§ 310-35. Conditional uses.

The following conditional uses shall be permitted only when authorized by the Zoning Hearing Board following a public hearing thereon, duly advertised as required by law, and deemed necessary to the welfare of the citizens:

A. Multiple-family dwellings. If and when authorized as above, multiple-family dwellings must be provided with both sanitary sewer and public water and will be further subject to all yard and area requirements as may be deemed necessary by the Zoning Hearing Board, the Planning Commission and the Borough Council.

§ 310-36. Lot area.

A lot area of not less than 6,000 square feet shall be required.

§ 310-37. Lot coverage.

The area of all buildings shall not exceed an area equal to 30% of the lot area.

§ 310-38. Front yard.

There shall be a front yard, the depth of which shall be at least 20 feet from the front lot line or 45 feet from the center line of the street or road, etc., whichever is greater. In the case of a corner lot, see Article II, § 310-13A(2).

§ 310-39. Lot width.

The lot shall have a width of at least 60 feet at the street line, and all corner lots shall be at least 20% wider than the interior lots of the same block.

§ 310-40. Side yards.

There shall be two side yards, one on each side of the property, neither of which shall be less than five feet. (See Article II, § 310-18.)

§ 310-41. Rear yard.

No dwelling shall be constructed less than 20% of the lot depth from the rear property line; and no accessory or supplementary structure shall be constructed within 15 feet of the rear property line when it abuts an alley, or five feet when abutting on an adjacent lot line.

§ 310-42. Height regulations.

A. For height regulations, generally, see Article II, § 310-10.

B. No building shall be erected to a height in excess of 35 feet.

§ 310-43. Off-street parking.

For off-street parking regulations, see Article IV.

§ 310-44. Signs.

For sign regulations, see Article III.

§ 310-45. Building permit applications.

In regard to applications for building permits, see Article II, § 310-16, and Article VII, § 310-29.

§ 310-46. Covenants in deeds.

When the deed to a lot or lots within a recorded plan, said plan having been recorded prior to the enactment date of this chapter, includes covenants running with the deed for a specified time period, which permit limited commercial uses in addition to the permitted residential uses, and further, these lots are situate in a plan where most of the lots are restricted to residential uses, then said covenants shall be honored, provided that should no physical progress have been made toward installation of the commercial facility prior to the date of expiration of said covenants, then following said expiration date all such lot or lots shall only be used in conformance with the provisions of this chapter.

ARTICLE IX
R-2 Residential District Regulations

§ 310-47. Permitted uses.

In R-2 Residential Districts the following uses shall be permitted:

A. Any use permitted in R-1 Residence Districts, in which case the regulations set forth herein shall apply.

B. One-family detached dwellings.

C. One-family semidetached dwellings.

D. Multiple-family dwellings, including apartments and group dwellings, but not row dwellings.

E. Two-family detached dwellings.

F. Boarding, lodging or rooming houses.

G. Conversion apartment (see Article II, § 310-17).

H. Mortuaries, funeral homes and undertaking establishments [see Article IV, § 310-25B(14)].

I. Clubs, lodges and fraternal organizations (see Article II, § 310-6B).

J. Home occupation, to include professional offices, beauty parlors, barbershops, real estate office and other similar uses when the uses are housed entirely within the principal structure on the lot and such use is secondary and incidental to the major residential use of the structure. Not more than two employees nonresident of the principal structure shall be permitted. Signs indicating home occupation shall be as indicated in Article III, § 310-20H.

K. Hospitals, sanitariums and rest homes, when authorized as a special exception. (See Article II, § 310-6J.)

L. Veterinary, when authorized as a special exception. (See Article II, § 310-6Q.)

§ 310-48. Height regulations.

No building shall be erected to a height in excess of three stories and/or 35 feet. (See Article II, § 310-10.)

§ 310-49. Area regulations.

A. Each one-family detached dwelling shall be located on a lot of not less than 5,000 square feet in area and lot width of not less than 50 feet at the street line, when served by both public water and sanitary sewers.

B. Each two-family dwelling shall be located on a lot of not less than 7,000 square feet in area and lot width of not less than 60 feet at the street line, when served by both public water and sanitary sewers.

C. Multiple-family dwellings.

(1) All multiple-family dwellings, including apartments and group dwellings, shall have a lot area of not less than 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater, when served by both public water and sanitary sewers.

(2) Notwithstanding the above lot area requirements, if public sanitary sewers are not provided, multiple-family dwellings as defined herein are not permitted.

§ 310-50. Coverage regulations.

All buildings, including accessory buildings, shall not cover more than 30% of the area of the lot.

§ 310-51. Yard regulations.

A. For one- and two-family dwellings, each lot shall have front, side and rear yards of not less than the depths or widths following:

(1) Front yard depth, 15 feet.

(2) Side yards, two in number, neither of which shall be less than five feet. (See Article II, § 310-18.)

(3) Rear yard depth, 20 feet.

B. Housing projects, garden apartments and similar enterprises necessitating two or more multifamily structures on a single lot shall conform to the following regulations:

(1) There shall be a minimum yard width of 30 feet along streets and roads upon which other structures face.

(2) No structure shall be located closer to any adjacent property line than 15 feet.

(3) No structure shall be located closer to any alley or minor street than 20 feet.

(4) Minimum spacing between structures on the same lot shall be as follows:

(a) Between faces of parallel buildings, 50 feet for one story in height, plus five feet for each additional story. If faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by a similar or greater distance at the other end.

(b) Between facing ends of buildings, 25 feet for one or two stories in height, plus five feet for each story above two.

(c) Between end walls and the front or rear walls of other buildings, 30 feet for one or two stories in height, plus five feet for each story above two.

§ 310-52. Off-street parking.

Parking shall be provided in accordance with the provisions of Article IV.

§ 310-53. Signs.

For sign regulations, see Article III.

§ 310-54. Conditional uses.

Neighborhood commercial uses shall be permitted when authorized as a variance to this chapter, subject to a public hearing thereon by the Zoning Hearing Board, duly advertised as required by law, and deemed necessary to the health and welfare of the citizens. If commercial uses are so authorized, they shall be subject to the controls set forth under Article XI hereof.

§ 310-55. Building permit applications.

In regard to applications for building permits, see Article II, § 310-16, and Article VII, § 310-29.

ARTICLE X
R-3 Residential Slope and Forest District Regulations

§ 310-56. Permitted uses.

In the R-3 Residential Slope and Forest District the following uses shall be permitted:

A. Preservation of natural amenities.

B. Production of forest products and forest industries.

C. Public and private parks and recreation grounds.

D. Churches and similar places of worship, parish houses and convents.

E. Sanitariums and rest homes.

F. Resort hotels, motels, summer cottages.

G. Animal hospitals, dog kennels, private and public stables and riding academies.

H. Tilling of the soil, raising of crops, fruits and vegetables; greenhouses and nurseries.

I. Electric and telephone public utility transmission and distribution facilities, including substations and water pumping stations.

J. Municipal buildings or uses.

K. Radio-television transmission or receiving tower and facilities.

L. Single-family detached dwellings.

M. Signs pertaining to a use conducted within the building or on the lot, or pertaining to the lease or sale of the property or identifying the use or building on the property.

N. Accessory buildings and uses customarily incidental to the above uses.

§ 310-57. Height regulations.

A. The height of a building shall be not greater than 35 feet. (See Article II, § 310-10.)

B. The height of a dwelling shall be not less than one story.

§ 310-58. Area regulations.

The lot area and lot area per dwelling unit shall be not less than 40,000 square feet.

§ 310-59. Width regulations.

The lot width at the street line shall be not less than 150 feet.

§ 310-60. Yard regulations.

Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

A. Front yard depth: 50 feet. [See Article II, § 310-13A(3).]

B. Side yards, two; width: 30 feet each.

C. Rear yard depth: 50 feet.

§ 310-61. Coverage regulations.

A. The coverage shall be no more than 20%.

B. At least 50% of the lot shall be covered with vegetative material.

§ 310-62. Off-street parking.

Parking shall be provided in accordance with the provisions of Article IV.

§ 310-63. Clearing.

Wholesale clearing of the existing trees, shrubs and ground cover shall not be permitted. Necessary clearing to locate the structure and permit the grading adjacent thereto will be permitted. All other excavations, clearance and similar activity shall require a special permit from the Zoning Officer.

§ 310-64. Subdivision.

The subdivision of selected tracts of land of suitable topography (ten-percent grade or less) shall be permitted by special exception, subject to the necessary controls to minimize erosion

and provide adequate sanitary facilities. Clearing shall be permitted only as set forth in § 310-63 of this article.

ARTICLE XI
C Commercial District Regulations

§ 310-65. Permitted uses.

In C Commercial Districts the following uses shall be permitted:

A. A use permitted in any residence district and subject to the controls set forth therein, and further provided that such residential use shall be permitted only when accessory and incidental to one or more commercial uses.

B. Stores and shops for the conducting of any retail business.

C. Personal service shops (barbershops, beauty parlors, etc.).

D. Banks and similar community services.

E. Garages and filling stations, subject to the following provisions:

(1) No repair work is performed out-of-doors.

(2) Pumps, lubricating or other devices are located at least 20 feet from any street line or highway right-of-way.

(3) All fuel, oil or similar substances are stored at least 35 feet from any street or lot line.

(4) All automobile parts, dismantled vehicles and similar articles are stored within a building.

F. Shops for custom work; shops for making articles or products to be sold at retail on the premises.

G. Restaurants, cafes, tearooms, motels and similar establishments.

H. Theaters, assembly halls, billiard or pool parlors, bowling alleys and any public recreation use.

I. Motor vehicle salesroom.

J. Mortuaries, funeral homes and undertaking establishments.

K. Parkway or bus passenger station, telegraph office, express office, electric substation, printing plant.

L. Accessory buildings and accessory uses on the same lot, customarily incidental to any of the above permitted uses.

M. Offices, office buildings, medical and dental clinics, studios, private and governmental agency offices, financial institutions and similar public and private facilities.

N. Government buildings, municipal buildings and necessary structures appurtenant and supplementary thereto, including law offices, courtrooms and disciplinary facilities.

O. Any use of the same general character as the above permitted uses when authorized as a special exception, but not to include any uses which are permitted only in a less restricted use district.

P. Signs. Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted, and further provided that all signs and advertising structures shall be maintained in accordance with Article III, § 310-23 hereof.

§ 310-66. Height regulations.

The height of a building shall not be greater than 65 feet. (See Article II, § 310-10.)

§ 310-67. Area regulations.

A commercial lot shall be no less than 20,000 square feet and shall have a minimum lot width of 100 feet.

§ 310-68. Coverage regulations.

All buildings, including accessory buildings, shall not cover more than 65% of the lot area.

§ 310-69. Yard regulations.

A. Each lot shall have front, side and rear yards of not less than the depth or width indicated below:

(1) Front yard depth: none required.

(2) Side yards, two in number; width: 10 feet each side when commercial structures do not abut side by side; however, no side yard shall be required where two or more commercial uses abut side to side. However, in no case shall party walls be permitted between properties of separate ownership. In the case of a series of abutting structures abutting and paralleling a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least 20 feet in width, shall be provided at grade level at intervals of not more than 400 feet.

(3) Rear yard depth: 30 feet.

B. The yard areas in Commercial Districts must provide sufficient space for all off-street services and access thereto from a public street.

§ 310-70. Off-street parking.

Off-street parking shall be provided in accordance with Article IV hereof.

§ 310-71. Loading and unloading space.

For loading and unloading space requirements, see Article IV hereof.

§ 310-72. Building permit applications.

In regard to applications for building permits, see Article II, § 310-16, and Article VII, § 310-29 hereof.

ARTICLE XII
C-N Commercial Neighborhood District Regulations

§ 310-73. Permitted uses.

In C-N Commercial Neighborhood Districts the following uses shall be permitted:

A. All uses permitted in any residential district and subject to all controls and restrictions set forth therein.

B. Banks and similar community services, stores and shops for the conducting of retail business deemed necessary to the everyday needs of the citizens, e.g., grocery, hardware, drugstores and novelty shops.

C. Shops for personal services, barbershops, beauty parlors, etc.

D. Filling station as permitted under Article XI, § 310-65Ehereof, but not to include automotive repair facilities. The changing of tires, spark plugs, lights and similar minor adjustments shall be permitted. All discarded parts shall be stored within a structure.

E. Any use similar to the above and deemed necessary to the everyday welfare of the citizens and approved by the Zoning Hearing Board.

§ 310-74. Yard regulations.

In C-N Commercial Neighborhood Districts the following yard requirements shall apply:

A. Front yard: minimum of 30 feet.

B. Rear yard: minimum of 20 feet.

C. Side yard. When abutting adjacent residential lots, side yards shall be at least 10 feet in width.

§ 310-75. Lot coverage.

The building area shall not exceed 30% of the lot area.

§ 310-76. Building height.

No structure shall exceed two stories in height nor 25 feet in height.

§ 310-77. Signs.

Signs will be permitted as specified under Article III, § 310-22.

§ 310-78. Off-street parking.

Off-street parking shall be provided as set forth in Article IV for similar uses.

§ 310-79. Prohibited uses.

The following uses are prohibited in C-N Commercial Neighborhood Districts:

A. All industrial uses.

B. Uses listed under Article XI, § 310-65F, G, H, I, J, K, M and N; however, when necessary, an electric substation, gas meter house, telephone exchange buildings and bus passenger station as permitted in any R Residential District may be permitted.

C. All other prohibited uses under this or any other ordinance of the Borough.

§ 310-80. Building permit applications.

In regard to applications for building permits, see Article II, § 310-16, and Article VII, § 310-29.

ARTICLE XIII
I Industrial District Regulations

§ 310-81. Permitted uses.

Buildings may be erected, altered or used, and a lot or premises may be used, for any lawful purpose as follows:

A. All uses not otherwise prohibited by law that shall permit the carrying out of the purpose of this chapter to protect the health, safety, morals and general welfare of the community and shall be compatible with the existing land uses and buildings with respect to use, architectural structure and landscaping.

B. Any lawful manufacturing or industrial use not otherwise prohibited in this chapter.

§ 310-82. Conditional uses.

Conditional uses permitted by special exception authorized by the Zoning Hearing Board:

A. Commercial uses permitted in the C Commercial District and subject to the controls as set forth therein.

B. Motels, restaurants, subject to controls as deemed necessary to protect the health, safety and welfare of the citizenry. (See Article II, § 310-6F.)

C. All residential uses.

§ 310-83. Prohibited uses.

All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions are prohibited in I Industrial Districts; provided, however, that any such uses may be permitted if approved by the Zoning Hearing Board and subject to the securing of a permit therefor and to such conditions, restrictions and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, morals and the general welfare of the community.

§ 310-84. Height regulations.

The height of a building shall not be greater than 50 feet. (See Article II, § 310-10.)

§ 310-85. Area regulations.

The lot area shall be not less than 40,000 square feet and the lot width shall be not less than 200 feet.

§ 310-86. Coverage regulations.

A. All buildings, including accessory buildings, shall not cover more than 65% of the lot area.

B. At least 10% of the lot area shall be covered with vegetative material.

§ 310-87. Setback regulations.

Structures shall not be constructed:

A. Less than 60 feet from any public right-of-way.

B. Less than 30 feet from any district boundary.

C. Less than 15 feet from any industrial lot line.

§ 310-88. Buffer yards.

Buffer yards shall be provided in accordance with the provisions of Article II, § 310-13C.

§ 310-89. Signs.

Signs and advertising structures shall be permitted only when such signs or structures refer or relate directly to the materials made, sold or displayed on the premises, and further provided that such signs and advertising structures are in conformance with Article III hereof.

§ 310-90. Off-street parking.

Off-street parking shall be provided in accordance with Article IV hereof.

§ 310-91. Loading and unloading space.

There shall be provided on the premises sufficient area to conduct all loading and unloading of materials and/or products to and/or from vehicles of all kinds. In addition, space for service drives and yards shall be provided on the premises. (See Article IV hereof.)

§ 310-92. Expansion.

Applicants for permits for industrial construction should recognize the potential need for area for expansion and should exert every effort to include in the initial request space for future expansion.

§ 310-93. Other prohibited uses.

All other prohibited uses under this or any other ordinance of the Borough are prohibited in I Industrial Districts.

§ 310-94. Building permit applications.

In regard to applications for building permits, see Article II, § 310-16, and Article VII, § 310-29.

ARTICLE XIV
Interpretation; Fees

§ 310-95. Interpretation; conflicting provisions.

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 municipality. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the municipality, provided that where this chapter imposes a greater restriction 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.

§ 310-96. Fees for appeals, applications and certificates.

A. A fee of $50, payable in advance, shall be made for each appeal or application to the Zoning Hearing Board for a special exception or variance to cover advertising costs, mailing notices and charges of the stenographer for taking the notes of testimony, provided that if more than 10 pages of testimony are taken in any case, the appellant or applicant shall reimburse the municipality for the cost of such additional testimony. **[Amended 2-12-1991 by Ord. No. 91-665, approved 2-12-1991]**

B. A fee of $100, payable in advance, shall be made for each application to the municipal governing body for a change or amendment in the Zoning Map, and the applicant shall assume all costs of advertising and such other costs as are incurred through public hearings and the keeping of the records thereof that total more than the initial fee of $100.

C. A fee of $10, payable in advance, shall be made for each certified statement of district classification of any property and/or compliance of any property with the provisions of this chapter.

ARTICLE XV
Definitions

§ 310-97. Word usage and definitions.

It is not intended that this Article include only those words used or referred to in this chapter. The words are included in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

A. Usage.

(1) Words used in the present tense include the future tense.

(2) The singular includes the plural.

(3) The word "person" includes a corporation as well as an individual.

(4) The word "lot" includes the word "plot" or "parcel."

(5) The term "shall" is always mandatory.

(6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

B. Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated:

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALLEY — A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL — Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

AMENDMENT — A change in use in any district which includes revisions to the zoning text and/or the Official Zoning Map; and the authority for any amendment lies solely with the Borough Council.

ANIMAL HOSPITAL — A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families living independently of each other.

AREA, BUILDING — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AREA, LOT — The total area within the lot lines.

AUTO BODY SHOP — Any structure or any building or part thereof that is used for the repair or painting of bodies and fenders of motor vehicles.

AUTO COURT — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and similar appellations.

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.

BOARDINGHOUSE — Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished-room house shall be deemed a "boardinghouse."

BUILDING — Any structure having a roof supported by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY — A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

BUILDING, DETACHED — A building surrounded by open spaces on the same lot.

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, MAIN — A building in which is conducted the principal use of the lot on which it is located.

CARPORT — An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts, except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A "cellar" shall not be considered in determining the permissible number of stories.

CONVERSION APARTMENT — A multifamily dwelling constructed by converting an existing dwelling into apartments for more than one family without substantially altering the exterior of the building.

COURT — An unoccupied open space, other than a yard on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER — A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER — A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE — That portion or percentage of the plot or lot area covered by the building area.

CURB LEVEL — The officially established grade of the curb in front of the midpoint of the lot.

DOG KENNEL — The keeping of four or more dogs that are more than six months old.

DUMP — A lot or land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING — A building designed or used as the living quarters for one or more families. The term "dwelling," "one-family dwelling," "multiple dwelling," "two-family

dwelling," or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel.

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family.

DWELLING, GROUP — A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common.

DWELLING, MULTIPLE — A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, group dwellings and row dwellings.

DWELLING, ONE-FAMILY OR ONE-FAMILY DETACHED — A house accommodating but a single family and having two side yards.

DWELLING, ONE-FAMILY SEMIDETACHED — A one-family house having one party wall and one side yard.

DWELLING, ROW — A dwelling, the walls on two sides of which are common with the walls of adjoining dwellings and are party or lot line walls and consisting of more than two dwelling units in a row.

DWELLING, TWO-FAMILY DETACHED — A building having two side yards and accommodating but two families, with one family living over the other.

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

FAMILY — One or more persons who live together in one dwelling unit and maintain a common household. It may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption, and may also include domestic servants and gratuitous guests.

FARM — Any parcel of land containing 10 or more acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables and dog kennels.

FILLING STATION — Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

FLOOR AREA OF A BUILDING — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed

porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RETAIL, NET — All that space relegated to use by the customer and the retail employee to consummate retail sales, and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the "habitable floor area." The minimum total window area, measured between stops, shall be 10% of the "habitable floor area" of such room.

GARAGE, PRIVATE — An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — Any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GARDENING — See "home gardening."

GRADE, ESTABLISHED — The elevation of the center line of the streets as officially established by the municipal authorities.

GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

HOME GARDENING — The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock but permitting the sale of produce raised thereon.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.

HOSPITAL — Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL — A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

HOUSE TRAILER — Any portable or mobile vehicle used or designed to be used for living purposes, having its wheels, rollers or skids in place or not in place, or such a vehicle when set in place on a permanent or semipermanent foundation. **[Amended 5-10-1966 by Ord. No. 533, approved 5-10-1966]**

JUNKYARD — A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAUNDERETTE — A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHTING —

(1) DIFFUSED — That form of lighting wherein the light passes from the source through a translucent cover or shade.

(2) DIRECT or FLOOD — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

(3) INDIRECT — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LINE, STREET — The dividing line between the street and the lot.

LODGING HOUSE — A building in which three or more, but not more than 15, rooms are rented and in which no table board is furnished.

LOT — Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

LOT LINES — The lines bounding a lot as defined herein.

LOT, CORNER — A parcel of land at the junction of and abutting on two or more intersecting streets.

LOT, INTERIOR — A lot other than a corner lot.

MOTEL — See "auto court."

NONCONFORMING USE — A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

NURSING OR CONVALESCENT HOME — Any dwelling with less than 15 sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE — An unoccupied space, open to the sky, on the same lot with the building.

PARKING SPACE — The area required for parking one automobile, which in this chapter is held to be an area nine feet wide and 20 feet long, and the minimum area for parking space shall be 270 square feet, to include space for parking and passageways.

PLAT — A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

PORCH — A covered area in excess of four feet by five feet, or 20 square feet in area, at a front, side or rear door.

PREMISES — Any lot, parcel or tract of land and any building constructed thereon.

RESIDENTIAL HOTEL — A dwelling occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

RIDING ACADEMY — Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

SANITARIUM, SANATORIUM — A private hospital, whether or not such facility is operated for profit.

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the "screen planting" is located.

SIGN — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

SPECIAL EXCEPTION — The permission or approval granted by the Zoning Hearing Board in situations where provision therefor is made by the terms of this chapter.

STABLE, PRIVATE — An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC — A building in which any horses are kept for remuneration, hire or sale.

STOOP — A covered or uncovered area at a front, side or rear door not exceeding four feet by five feet, or 20 square feet in area.

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 any floor and the ceiling next above it.

STORY, HALF — A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET — A public way which affords principal means of access to abutting properties.

STREET GRADE — The officially established grade of the street upon which a lot fronts, or, in its absence, the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the "street grade."

STRUCTURE — A combination of materials that form a construction that is safe and stable, and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

SUBDIVISION — An area of land divided by the owners or agent, either by lots or by metes and bounds, into lots or parcels two or more in number, for the purpose of conveyance, transfer, improvement or sale. The appurtenant road, streets, lanes, alleys and ways dedicated or intended to be dedicated to public uses, or the use of purchasers or owners of lots fronting thereon, are included. The word "subdivision" includes the word "resubdivision," "plot," "plan" or "replan."

SWIMMING POOL, PRIVATE — Any reasonably permanent pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than 1 1/2 feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TELEPHONE EXCHANGE BUILDING — A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company; but in a residential district, not to include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

THEATER — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN — An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

TOURIST CABINS — A group of buildings, including either separate cabins or a row of cabins, which:

(1) Contain living and sleeping accommodations for transient occupancy.

(2) Have individual entrances.

TOURIST HOME — A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER — See "house trailer."

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE — The permission granted by the Zoning Hearing Board with full public approval, following a public hearing that has been properly advertised as required by the appropriate municipal code,[7] for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of the chapter.

WINDOW — An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to an interior space. The glazed portion of a door in an exterior wall may be construed to be a "window" in regard to provision of natural light.

YARD — An unoccupied space, open to the sky, on the same lot with a building or structure.

YARD, FRONT — An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the "front yard" shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required "front yard."

YARD, REAR — An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the "rear yard" shall be measured between the rear line of the lot and the rear line of the building.

YARD, SIDE — An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear lot line or a front lot line shall be deemed a side lot line.

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7. Editor's Note: See The Pennsylvania Municipalities Planning Code (Act No. 247 approved July 31, 1968), Article IX, Sections 908 and 912.