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ZONING ORDINANCE

BOROUGH OF EMLENTON, VENANGO COUNTY, PENNA.

ORDINANCE NO. 195

AN ORDINANCE DIVIDING THE BOROUGH INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION AND USE OF BUILDINGS OR LAND WITHIN EACH SUCH DISTRICT.

BE IT HEREBY ORDAINED by the Council of Emlenton Borough, Venango County, Pennsylvania:

ARTICLE I - GENERAL PROVISIONS

101 TITLE: The official title of this Ordinance is "EMLENTON BOROUGH ZONING ORDINANCE".

102 EFFECTIVE DATE: This Ordinance shall take effect February 1, 1972.

103 DEFINITIONS: Certain words or terms that appear in this Ordinance are defined in Article 7.

104 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

105 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

106 CONFLICT: Whenever there is a difference between minimum standards or dimensions or provisions specified herein and those contained in other regulations, resolutions or ordinances of the Borough, the highest standards shall govern.

107 COMMUNITY DEVELOPMENT OBJECTIVES: This Ordinance and Zoning Map are intended to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space,

transportation, water, sewerage, schools, public grounds and other public requirements as well as preventing the over crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. More specifically these broad purposes are designed to clearly achieve the objectives of the Emlenton Borough Comprehensive Plan. The specific objectives upon which the Comprehensive Plan and this Ordinance have been based include the following:

1. To support and encourage order and beauty in the development of Emlenton Borough's environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate public utilities and facilities.

2. To encourage future land development to complement a logical, harmonious and efficient pattern of future Borough growth.

3. To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry throughout the Borough.

4. To guide commercial development in such a way so as to minimize adverse influences on adjacent roads or land values; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate highway access.

5. To protect property values to insure a suitable, attractive and efficient community environment.

6. To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.

108 AFFECT OF ANNEXATIONS: In the event that an area is annexed to the Borough of Emlenton, the most restrictive classification ("R - 1 Residential") shall be applied to such area until such time as the Borough Planning and Zoning Commission has made a study of the annexed land and reported its recommendations to Borough Council. The Planning and Zoning Commission shall submit such recommendations to Council within 90 days after final action of annexation.

ARTICLE 2 - DISTRICT REGULATIONS

201 ZONING MAP: A map entitled "EMLENTON BOROUGH ZONING MAP" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the Borough Building.

202 ZONING DISTRICTS: The Borough is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zoning Map.

203 DISTRICT BOUNDARIES: The boundaries between districts are centerlines of streets, alleys, railroad rights-of-way, streams, or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be lines otherwise indicated on the Zoning Map. When the Zoning Officer cannot definitely determine the location of a district boundary, he shall deny the application and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary.

204 DISTRICT REGULATIONS: Lot and yard dimensions, permitted uses, special exceptions and maximum height of structures are specified for each district in Exhibit "A" - (DISTRICT REGULATIONS). Any use not expressly listed for a district is prohibited in that district. Special Exceptions require approval of the Zoning Hearing Board, whereas Permitted Uses require only normal application procedures. Uses which are normally accessory to the declared permitted uses are also permitted.

ARTICLE 3 - SUPPLEMENTARY REGULATIONS

301 NON - CONFORMING USES: The following provisions shall apply to all non - conforming uses and structures:

301.1 Any non-conforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.

301.2 Any non-conforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty, and if the restored structure covers no greater area and contains no greater cubic content than before such casualty.

301.3 The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may, with the approval of the Zoning Hearing Board, be extended or enlarged but must meet minimum yard requirements of the district in which the structure is located and must meet the off-street parking and loading requirements of this Ordinance.

301.4 If no exterior structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

301.5 Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one-year period.

301.6 Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

301.7 Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

301.8 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses which thereby become non-conforming.

302 EXISTING LOTS OF RECORD:

302.1 Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two (2) or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.

302.2 No provision of Section 204 and Exhibit A (District Regulations) of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer may grant a reduction in the requirements for side yards and rear yards for lots of record which lack required lot width. However, in no event may such yards be reduced by more than one-half that required by Exhibit A (District Regulations) without the approval of the Zoning Hearing Board.

303 APPLICATION OF YARD REGULATIONS:

303.1 Lots which abut on more than one street shall provide the required front yards along every street.

303.2 All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard. However, in residential districts, accessory buildings (detached private garages, tool houses, play houses, etc.) may project into rear yards only. Such structures shall be located no closer than five (5) feet from a side property line and no less than fifteen (15) feet from the rear lot line.

303.3 A wall of fence under six feet in height, or higher if a retaining wall, and paved terraces without walls, roofs or other enclosure, may be erected within the limits of any yard.

303.4 Non-residential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts than the distance specified in the following schedule:

Use	Minimum Side or Rear Yard
Off-street Parking spaces and access drives for non-residential uses	20 feet
All other non-residential uses or structures	40 feet

303.5 In districts permitting single-family residence, not more than one such single-family residence may occupy any one lot unless authorized by the Zoning Hearing Board. Under no circumstances may the Board authorize more than one dwelling if the overall density permitted in that particular district is exceeded. Dwellings which are placed alongside one another shall be spaced so that the distance between structures shall be double the required side yard in that particular district. In no event shall one structure be located behind the other. All structures must have immediate access to a street right-of-way.

304 TEMPORARY STRUCTURES: Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period. Residing in basement or foundation structures before completion of the total structure shall not be permitted.

305 HEIGHT LIMITATION: When the following conditions are met, height limits may be increased:

305.1 Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side and rear yard depths are increased one foot for each additional foot of height.

305.2 The following structures are exempt from height regulations provided they do not constitute a hazard to an established airport: television and radio towers, church spires, belfries, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smoke stacks, conveyors and flagpoles.

306 OFF-STREET LOADING AND PARKING: Off-street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts whenever any new use is established or an existing use is enlarged.

306.1 Off-Street Loading: Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table below:

OFF-STREET LOADING SPACE REQUIREMENTS

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
1. Schools	15,000 or more	1
2. Undertakers and Funeral Parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
3. Hotels and Offices	10,000 or more	1
4. Commercial, Wholesale, Manufacturing and Storage	10,000-25,000 25,000-40,000 40,000-60,000 60,000-100,000 for each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

Each loading space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.

306.2 Off-Street Parking:

306.2(a) Size and Access: Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less

than ten (10) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

306.2(b) Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

OFF - STREET PARKING SPACE REQUIREMENTS

Uses	Required Parking Space
1. Automobile Laundry	5 for each wash lane
2. Automobile Sales and Service Garages	1 for each 400 sq.ft. of floor area
3. Banks or Professional Offices	1 for each 200 sq. ft. of floor area
4. Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats whichever is greater
5. Bowling Alleys	7.5 for each alley
6. Community Buildings and Social Halls	1 for each 100 sq.ft. of floor area
7. Driving Ranges and Miniature Golf	1 for each tee
8. Dwellings	2 for each family or dwelling unit including space in garage
9. Food Supermarkets	1 for each 100 sq.ft. of floor area
10. Funeral Homes, Mortuaries	5 for each parlor
11. Furniture or Appliance Stores	1 for each 200 sq.ft. of floor area
12. Hospitals, Nursing or Convalescing Homes	1 for each 2 beds
13. Hotels and Motels	1 for each living or sleeping unit
14. Manufacturing Plants Research or Testing Laboratories, Bottling Plants	1 for each 500 sq.ft. of floor area
15. Medical or Dental Offices	5 for each doctor or dentist
16. Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
17. Retail Stores and Shops	1 for each 100 sq.ft. of floor area
18. Rooming Houses and Dormitories	1 for each 2 bedrooms

19.	Service Stations	3 for each service bay
20.	Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 3.5 seats
21.	Trailer or Monument Sales	1 for each 2,500 sq.ft. of lot area
22.	Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25 percent of the building floor area.

306.2(c) Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than 400 feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

306.2(d) Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district.

306.2(e) Minimum Distances and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any adjoining property containing a dwelling, school, hospital or similar institution and in accordance with Section 303.4 of this Ordinance.

306.2(f) Surfacing: With the exception of dwellings and drive-in theaters, all parking areas shall have a paved or oiled surface, graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking.

306.2(g) Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district.

307 MOBILE HOMES: Individual mobile homes may be permitted by the Board as a special exception in certain districts specified by the Zoning Schedule, if they conform with lot and yard dimensions for single-family dwellings. Occupied travel trailers, as defined by this Ordinance, shall meet all the requirements specified for mobile homes.

308.4 Not less than ten percent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.

308.5 The park shall be appropriately landscaped and screened from adjacent properties.

309 PLANNED RESIDENTIAL DEVELOPMENT: The Zoning Hearing Board may permit departures from the zoning regulations for any planned residential development in the manner herein provided for special exceptions, if the planned project meets the following requirements:

309.1 The area of land to be developed is not less than five (5) acres.

309.2 Adjacent properties will not be adversely affected.

309.3 The average density of dwelling units is not greater than the density requirements in the district in which the plan is located. The use of the land shall not differ substantially from the uses permitted in the district, except that limited commercial facilities intended to serve only the planned project area and fully integrated into the design of the project may be allowed.

309.4 The plan shall be consistent with the intent and purpose of this Ordinance.

309.5 A complete plan for the area is submitted for review by the Borough Planning Commission and Borough Council to determine if the proposed project is consistent with the Borough Comprehensive Plan.

309.6 A minimum of one (1) acre per one hundred (100) dwelling units shall be reserved for recreational use, with no such recreation area to be less than one (1) acre.

310 SIGNS: No sign shall be permitted except as herein provided:

310.1 In any district all signs except those maintained pursuant to and in the discharge of any law, ordinance, governmental regulation or function shall comply with the following general requirements:

310.1(a) They shall not be illuminated in any manner which will cause undue distraction, confusion or hazard to vehicular traffic.

310.1(b) They shall not project over public rights-of-way.

310.1(c) A sign not exceeding one (1) square foot shall be permitted in all Districts for the purpose of announcing the name of the occupant. There shall be no fee or permit required for such sign.

310.2 No sign shall be permitted in residential districts except as herein provided:

310.2(a) One sign not exceeding one square foot in area will be permitted which announces the name and professional activity of the occupant of the premises on which said sign is located.

310.2(b) One bulletin board not exceeding forty (40) square feet in area will be permitted in connection with any church, school or similar public structure.

310.2(c) One temporary real estate or construction sign not exceeding eight (8) square feet in area will be permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

310.3 In business and industrial districts, no sign shall be permitted except as herein provided:

310.3(a) One sign in connection with any legal commercial or industrial use or structure will be permitted on the premises of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each street frontage.

310.3(b) They shall contain no information or advertising for any product or service not sold or processed on the premises.

310.3(c) They shall have an aggregate area not greater than one and one-half square feet for each foot of width of the principal building on the premises.

311 MINERAL EXCAVATIONS: Excavation of sand, gravel, coal, oil, gas or other material from the ground shall be considered a temporary use, and may be permitted in certain districts as a special exception if approved by the Board. All mineral excavations shall comply with the following minimum requirements and any other measures that the Board might specify to protect the public interest. A zoning certificate shall be required for each property.

311.1 All operations must be conducted no closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any road right-of-way line.

311.2 All operations must be conducted no closer than 100 feet to an existing dwelling, school, hospital or similar residential use.

311.3 The operator shall file with the Board a plan showing the location of adjacent properties, roads and natural features.

311.4 Except for oil and gas extraction, the operator shall submit to the Board for approval a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, or other improvements contemplated.

311.5 Except for oil and gas extraction, the operator shall file with the Zoning Officer written proof that he has met all registration and bonding requirements of the Pennsylvania Department of Mines. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan. A copy of this certificate will be forwarded to the State Bureau of Mines in the case of coal excavation.

312 JUNKYARDS AND SIMILAR STORAGE AREAS (Including Automobile Wrecking):

312.1 All junkyards shall be completely screened from roads or developed areas with a solid fence or wall six (6) feet or more in height, maintained in good condition, and painted (except for masonry construction), or with suitable plantings. All existing junkyards shall comply with this Ordinance within one (1) year of the date of this Ordinance or shall terminate their operation.

312.2 No junkyards established after the effective date of this Ordinance shall be located closer than 1,000 feet to existing State and Federal roads, nor closer than 100 feet to a Borough road.

312.3 Access to and egress from junkyards established after the effective date of this Ordinance shall not be from State and Federal roads.

313 HOME OCCUPATIONS: A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

313.1 The occupation is customarily carried on in a dwelling unit or in a structure or building accessory to a dwelling unit;and

313.2 The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family; and

313.3 The occupation is carried on wholly within the principal structure or accessory structure; and

313.4 There shall be no exterior display, exterior sign other than permitted by Section 310, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure; and

313.5 No offensive odor, no vibration, smoke, dust, heat or glare shall be produced; and

313.6 The occupation shall occupy no more than 30 percent of the principal structure.

Home occupations may include, but are not limited to, art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices, insurance offices, barber shops and beauty parlors, or teaching.

ARTICLE 4 - ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

401 ZONING OFFICER: Borough Council shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance.

402 DUTIES OF THE ZONING OFFICER: The Zoning Officer shall enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him by the Zoning Ordinance and are reasonably implied for that purpose.

402.1 Applications, Zoning Certificates, Building Permits and Inspection: He shall receive applications for Zoning Certificates and Building Permits and make all inspections in accordance with the provisions of the Zoning Ordinance.

402.2 Inspection: The Zoning Officer may examine or cause to be examined all structures and/or land for which an application has been filed for Zoning Certificate and, he may conduct such inspections from time to time during and at completion of the work for which a Zoning Certificate has been issued.

402.3 Non-Conforming Uses: The Zoning Officer shall keep an up-to-date list of all Non-Conforming Uses.

403 ZONING CERTIFICATES:

403.1 Requirements: Until the Zoning Officer has issued a Zoning Certificate applicable thereto, no person shall:

403.1(a) Occupy or use any vacant land; or

403.1(b) Occupy or use any structures hereafter constructed, reconstructed, moved, altered or enlarged; or

403.1(c) Change the use of a structure or land to a different use; or

403.1(d) Change a non-conforming use.

403.2 Expiration of Zoning Certificate: The Zoning Certificate shall expire six (6) months from the date of its issuance.

403.3 Application and Fees: Each applicant for a Zoning Certificate shall present, with the application, a plot plan showing clearly and completely the location, dimensions and nature of any structures involved and such other information as the Zoning Officer may require as to compliance with the Ordinance, together with a filing fee in accordance with a schedule affixed by resolution of Borough Council.

404 VIOLATIONS: Any person who violates the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500). In default of payment of the fine, such person shall be liable to imprisonment for not more than sixty (60) days in accordance with Section 617 of the Pennsylvania Planning Code. Any person who continues any such violation beyond one (1) calendar day shall be deemed to have committed a separate offense for each calendar day such violation continues.

ARTICLE 5 - ZONING HEARING BOARD

501 GENERAL: In accordance with Article IX of the Pennsylvania Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and, pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing within forty-five (45) days after hearing or continued hearing, all as required by law. For the filing of any appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the Emlenton Borough Council.

Except as provided in Section 912 of the Pennsylvania Planning Code, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Borough.

502 APPEALS: Any person or Borough official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer may appeal to the Board within a reasonable time, as provided by rules of the Board, by filing a notice of appeal specifying the grounds thereof. The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Officer in the administration of this Ordinance. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board.

Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that variance should be granted, as the case may be. At least ten (10) days before the date of the hearing on an application or appeal, the Board shall transmit to the Planning Commission a copy of said application or appeal in order that the Planning Commission may have an opportunity of submitting a report or opinion to the Board.

The hearing shall be conducted in accordance with Section 908 of the Pennsylvania Planning Code. The Board may appoint any member as a Hearing Officer. The decision or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or finding by the Board and accept the decision of the Hearing Officer as final.

503 VARIANCES: The Board, upon appeal, shall have the power to authorize variances from the provisions of this Ordinance provided the following findings are made where relevant in a given case:

503.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

503.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

503.3 That such unnecessary hardship has not been created by the appellant;

503.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

503.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

504 SPECIAL EXCEPTIONS: The Board shall have the power to decide applications for special exceptions as specified in this Ordinance, in harmony with its general purpose and intent and in accordance with the standards set forth. The Board shall approve a special exception only if it meets the following standards and criteria;

504.1 The use is compatible with adjacent uses and structures.

504.2 The use is suited to the topography and other characteristics of the site.

504.3 The use complies with all off-street parking and other provisions of this Ordinance.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the health, safety and general welfare of the Borough.

505 NON-CONFORMING USES: The Board shall have the power to authorize changes of lawful non-conforming uses as follows:

505.1 A non-conforming use which occupies a portion of a structure or premise may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the districts in which such structure or premises are located.

505.2 The Board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

506 APPEAL FROM BOARD'S DECISION: Any person aggrieved by any decision of the Board or any taxpayer or any officer of the Borough, may within thirty (30) days after a decision is rendered by the Board, appeal to the Court of Common Pleas of Venango County, Pennsylvania in accordance with Article X of the Pennsylvania Planning Code.

ARTICLE 6 - AMENDMENTS

601 GENERAL: Borough Council may introduce and consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of Borough Council, by the Planning Commission, or by a petition of a person residing or owning property within the Borough.

602 PETITIONS: Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee, payable to the Borough in accordance with a schedule fixed by Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to Borough Council.

603 REFERRAL: Any proposed amendment presented to Borough Council without written findings and recommendations from the Borough Planning Commission shall be referred to the Borough Planning Commission and the Venango County Planning Commission for review prior to public hearing by the Borough Council. The Borough Planning Commission and the County Planning Commission shall report their findings and recommendations in writing to the Borough Council within thirty (30) days of the referring action.

604 ACTION: Before acting upon a proposed amendment, Borough Council shall hold a public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published in a newspaper of general circulation in the Borough at least fourteen (14) days but not more than thirty (30) days prior to the date of the hearing.

ARTICLE 7 - DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive. 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".

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.

Agriculture: Any agriculture use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and forestry (including the harvesting of timber).

Alley: A narrow service way providing a secondary public means of access to abutting properties.

Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

Basement: A story having more than 50 per cent of its clear height below the average level of the surrounding 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 (5) feet or if used for dwelling purposes.

Board (Zoning Hearing Board): The Zoning Hearing Board of Emlenton Borough, Venango County, Pennsylvania.

Boarding, Rooming, Tourist or Lodging House: A building where lodging is provided, for compensation, for five or more persons.

Building: A roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods or animals.

Building Height: The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof, or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

Building or Set-back Line: Imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service: Any business activity which renders service to other commercial or industrial enterprises.

Cartway: That portion of a road which is paved, graded or improved for travel by vehicles.

Clinic: Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Club: An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

Commission (Or Planning Commission or Borough Planning Commission): The Planning and Zoning Commission of Emlenton Borough, Venango County, Pennsylvania.

Coverage: That percentage of the lot area covered by principal and accessory use structures.

Density: The number of families housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of the right-of-way of any road.

Dwelling, Single Family: A detached building arranged or used for occupancy by one family having a habitable floor area of at least 800 square feet.

Dwelling, Multiple: A building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, flats and group houses.

Dwelling Unit: One or more rooms for living purposes, together with separate cooking and sanitary facilities, used or intended to be used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire

alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.

Family:

(1) One or more persons related by blood, marriage or adoption, plus domestic servants, occupying a dwelling unit, including not more than four (4) boarders, roomers or lodgers.

(2) Less than six (6) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

Floor Area (habitable): The enclosed area of a building designed and intended for all season use of human inhabitants.

Garage, Repair (See also Service Station): Premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

Home Occupation: Any use customarily carried on entirely within a dwelling by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

Junk Yard: Land or structure used for the collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Light Manufacturing: The processing or fabrication of certain materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbance or danger to neighboring properties.

Loading Space: A portion of a lot usable for the standing loading or unloading of motor vehicles, and having a minimum dimension of ten (10) feet by thirty-five (35) feet with a vertical clearance of fourteen (14) feet.

Lot: A parcel of land occupied or capable of being occupied by one or more buildings devoted to a common interest or use, and including accessory uses and open yard space.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot, Depth of: A mean horizontal distance between the front and rear lot lines.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Venango County.

Lot, Minimum Area of: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Width of: The mean width measured at right angles to its depth.

Mobile Homes: Any mobile vehicle used or designed to be used for dwelling purposes, whether the wheels be attached or not. A travel-trailer, as defined herein, shall be considered a mobile home if occupied.

Non-Conforming Use: The legal use of land or a structure which does not conform to the applicable use regulation of the district in which it is located, either on the effective date of this Ordinance, or as a result of subsequent amendments thereto.

Pennsylvania Planning Code: Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968) and amendments as same may be adopted from time to time.

Personal Services: Any enterprise conducted for man which primarily offers services to the general public,such as: shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.

Professional Offices: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers.

Road: The entire right-of-way of a public or private street or highway.

Sign: Any structure or device to attract attention by words or graphic display.

Special Exception: A modification of the regulations of the Zoning Ordinance which the Board is permitted to authorize in specific instances listed in this Ordinance, under the terms, procedures and conditions prescribed herein.

Service Station (See also "Garage, Repair"): A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries,

automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

Story: The 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, the space between such floor and the ceiling above it. A basement shall be considered as a story if more than 50 percent of its clear height is above finished grade, or if it is used for business or dwelling purposes.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location to the ground, including, in addition to buildings, billboards, carports, porches and other building features, but not including sidewalks, drives and patios.

Tourist Home: A rooming house primarily for transient guests.

Travel Trailer: A mobile vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger automobile and having an overall length of less than twenty-five (25) feet and an overall width of less than eight (8) feet.

Truck Terminal: A facility designed to accommodate the service, repair and storage of trucks and other motorized equipment, and which may incidentally provide warehousing activities.

Variance: A departure from the strict letter of the ordinance as it applies to specific properties as authorized by the Zoning Hearing Board.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted by this Ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the foundation wall of the main building.

Yard, Front: An open space extending the full width of the lot between the building and the road right-of-way line.

Yard, Rear: An open space extending the full width of the lot between the building and the rear lot line.

Yard, Side: An open space extending from the front yard to the rear yard between the building and the nearest side lot line.

Zoning Certificate: The written authorization issued by the Zoning Officer, for the use of land or structures.

Zoning Map: The map containing the zoning districts of Emlenton Borough, Venango County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer: The Zoning Officer or his authorized representative, appointed by Borough Council of Emlenton, Venango County, Pennsylvania.

EXHIBIT "A" - ZONING SCHEDULE
(District Regulations - Section 204)

R-1 SUBURBAN RESIDENTIAL

Permitted Uses	Special Exceptions
1. Single-Family Detached Dwellings	1. Home Occupations
2. Public and Parochial Schools	2. Multi-Family Dwellings
3. Churches	3. Water Recreation and Storage
4. Public Parks and Playgrounds	4. Cemeteries
5. Libraries	5. Hospitals and Clinics for Humans
6. Municipal Buildings	6. Colleges
7. Essential Services	7. Fire Stations
	8. Public Utility Buildings
	9. Agriculture
	10. Sewage Treatment Plant
	11. Planned Unit Residential Projects

R-2 URBAN RESIDENTIAL

Permitted Uses	Special Exceptions
1. Single-Family Detached Dwellings	1. Hospitals and Clinics for Humans
2. Multiple Family Dwellings	2. Individual Mobile Homes
3. Public and Parochial Schools	3. Mobile Home (Trailer) Parks
4. Churches	4. Funeral Homes
5. Public Parks and Playgrounds	5. Colleges
6. Libraries	6. Nursery Schools
7. Municipal Buildings	7. Fire Stations
8. Home Occupations	8. Public Utility Buildings
9. Tourist Homes (Rooming and Boarding Houses)	9. Water Recreation and Storage
10. Nursing and Convalescent Homes	10. Sewage Treatment Plants
11. Essential Services	11. Planned Unit Residential Projects

Permitted Uses	Special Exceptions

C - COMMERCIAL

Permitted Uses	Special Exceptions
1. Retail Business	1. Water Recreation and Storage
2. Eating and Drinking Establishments	2. Municipal Buildings
3. Food Stores	3. Public Utility Buildings
4. Offices	4. Trailer Sales and Display
5. Personal, Professional and Business Services	5. Animal Clinics
6. Commercial Schools	6. Hospitals and Clinics For Humans
7. Indoor Commercial Amusement	7. Fire Stations
8. Clubs	8. Wholesale Business
9. Funeral Homes	9. Supply Yards
10. Hotels and Motels	10. Printing, Lithographing and Publishing Plants
11. Churches	11. Cleaning and Laundry Plants
12. Auto Sales, Service and Repair	12. Auto Laundries
13. Essential Services	
14. Apartments	

I - INDUSTRIAL

Permitted Uses	Special Exceptions
1. Research and Testing Laboratories	1. Water Recreation and Storage
2. Industrial Office Buildings	2. Sewage Treatment Plants
3. Light Manufacturing (as defined by Article 7) including production of the following goods: home appliances; electrical instruments; office machines; precision instruments;electronic devices; timepieces;jewelry;optical goods; musical instruments; novelties;wood products; printed material;lithographic plates;type composition;machine tools;dies and gauges;ceramics;apparel;lightweight non-ferrous metal castings;film processing; light sheet metal products; plastic goods, pharmaceutical goods and food products, but not including animal slaughtering, curing, nor rendering of fats.	3. Truck Terminals 4. Bulk Fuel Storage 5. Municipal Buildings 6. Public Utility Buildings 7. Fire Stations 8. Junk Yards 9. Other industrial and related uses not otherwise prohibited by law.
4. Oil Refinery	
5. Railroad Freight Facilities	
6. Auto Sales, Service and Repair	
7. Essential Services	

LOT REQUIREMENTS

Zoning District	Min. Area (sq. ft. or acres (a)	Min. Lot Width (ft.)	Min. Front Yards (ft.)	Min. Side Yards (ft.)	Min Rear Yards (ft.)	Max. Bldg. Height (ft.)	Max. Lot Coverage (percent)
R-1...Suburban Residential							
Not Served by Public Sewers	1.0a	150	50*	25	50	35	10
Served by Public Sewers	15,000	100	35*	15	40	35	20
R-2...Urban Residential (must be served by Public Sewers)							
Single-Family Dwellings	7,500	60	20*	10	30	35	40
Multiple-Family Dwellings	5,000 plus 2,500 per family	90	20*	15	40	--	50
Other Uses	7,500	60	20*	10	30	35	40
C.....Commercial	4,000	30	--	--	--	30	75
I.....Industrial	20,000	150	50	20	30	45	50

*In a built-up residential area where front yard (set back lines) are already established, the minimum front yard need not be greater than the average of those located for a distance of 200 feet on both sides of the lot or lots for which a zoning certificate is being requested.