

ZONING ORDINANCE FOR
THE BOROUGH OF WEISSPORT
CARBON COUNTY
PENNSYLVANIA

1971

Submitted to the
WEISSPORT PLANNING COMMISSION

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ZONING ORDINANCE

BOROUGH OF WEISSPORT
CARBON COUNTY, PENNSYLVANIA

An Ordinance of the Borough of Weissport
ordained and adopted at the meeting
held , 1971.

An Ordinance dividing the Borough of Weissport into districts and regulating the use of land in the location, use and density of buildings within these districts and providing for the administration and enforcement of this Ordinance and penalties for violation thereof. This Ordinance is in accordance with a Comprehensive Plan which is designed to promote public health, safety, morale and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property, provide adequate open spaces for light and air and to prevent the spread of fire, prevent undue concentrations of population, lessen congestion on streets and highways and set forth community development objectives.

The Borough Council of the Borough of Weissport does hereby enact the following Zoning Ordinance under authority vested in Article VI of the Municipalities Planning Code of the Commonwealth of Pennsylvania.

ZONING ORDINANCE FOR THE
BOROUGH OF WEISSPORT, CARBON COUNTY, PENNSYLVANIA

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

The Borough Council of the Borough of Weissport, Carbon County, Pennsylvania, hereby ordains and enacts as follows:

ARTICLE I

GENERAL PROVISIONS

1.100 SHORT TITLE

This Ordinance shall be known and cited as the "Weissport Zoning Ordinance".

1.200 APPLICATION OF ORDINANCE

No building, structure, or land shall be used or occupied and no building or part thereof shall be erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.

1.300 PURPOSE OF THE ORDINANCE AND COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is hereby adopted in accordance with a comprehensive plan which is designed to promote public health, safety, morality, and the general welfare, encourage the most appropriate

use of land, conserve and stabilize the value of property, provide adequate open spaces for light and air to prevent the spread of fire, prevent undue concentrations of population, and lessen congestion on streets and highways. Community Development Objectives are set forth in the plan for land use and objectives of the municipality in the Borough's Comprehensive Plan.

1.400 INTERPRETATION AND VALIDITY

1.401 Interpretation. In the interpretation and the application of the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the health, safety, morale, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces the provisions of this Ordinance shall prevail.

1.402 Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Council does hereby declare that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

1.403 Repealer. All existing ordinances or parts of ordinances in conflict and no further, are hereby repealed.

1.500 EFFECTIVE DATE

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

ARTICLE 2

DEFINITIONS

2.100 APPLICABLE DEFINITIONS

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

2.101 Accessory Use or Structures. A use or building structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

2.102 Alley. A public or private way affording only secondary means of access to abutting property.

2.103 Alterations. A change or rearrangement in the structural parts or in the exit facilities, or an enlargement vertical or horizontal, or the moving from one location or position to another of a building or structure.

2.104 Board, Zoning Hearing Board. The Zoning Hearing Board of the Borough of Weissport.

- 2.105 Building. Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.
- 2.106 Building Coverage, Maximum. The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breeze-ways, but excluding open patios).
- 2.107 Building Height. The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the ceiling of the uppermost story.
- 2.108 Building, Principal. A building in which is conducted the main or principal use of the lot on which it is situated.
- 2.109 Commission. The Borough of Weissport Planning Commission.
- 2.110 Council. The Borough Council of the Borough of Weissport.
- 2.111 District or Zone. A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

- 2.112 Dwelling. Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital or nursing home.
- a. Dwelling, Single-Family. A detached building, designed for or occupied exclusively by one family.
 - b. Dwelling, Two-Family. A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
 - c. Dwelling, Mobile Home. A vehicle or part thereof, used for permanent living or sleeping quarters, so designed that it can be transported on a highway, and standing on wheels which can be placed on a foundation or on rigid supports except for a travel trailer as defined herein, and containing not more than one dwelling unit, but excluding prefabricated homes or sections thereof, which when assembled are over 19 feet in width.
 - d. Dwelling, Multi-Family. A building designed for occupancy by three (3) or more families living independently of each other, and containing three (3) or more dwelling units.

Such buildings shall consist of the following types:

1. Limited Apartments. A multi-family dwelling containing 3 to 5 dwelling units and not exceeding 2-½ stories in height.
2. Row Houses. A multi-family dwelling containing 3 to 6 dwelling units, and not exceeding 2-½ stories in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.
3. Garden Apartment. A multi-family dwelling containing 6 to 12 dwelling units and not exceeding 3 stories in height.

2.113 Dwelling Unit. One (1) or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

2.114 Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, 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 service by such public utilities or other governmental agencies or for the public health or safety or general welfare but not including buildings, except telephone booths which shall also be considered as essential service facilities hereunder.

- 2.115 Family. Either an individual, or two or more persons related by blood or marriage or adoption, or a group of not more than five persons, excluding servants, living together as a household in a dwelling unit.
- 2.116 Fence. A boundary consisting of stones, posts, wire and/or other materials whether man-made or of natural growth.
- 2.117 Garage, Private Parking. A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.
- 2.118 Garage, Public Parking. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of automobiles.
- 2.119 Governing Body. The Borough Council, Borough of Weissport, County of Carbon, Commonwealth of Pennsylvania.
- 2.120 Junk. Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used

appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, and other manufactures goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

2.121 Junk Yards. Junk yards shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

2.122 Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance.

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

b. Lot Depth. The mean horizontal distance between the front and the rear lot lines.

- c. Lot Lines. The property lines bounding the lot.
1. Lot Line, Front. The line separating the lot from a street.
 2. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
 3. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
 4. Lot Line, Street or Alley. A lot line separating the lot from a street or alley.
- d. Lot Width. The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
- e. Lot Area. The computed area contained within the lot lines.
- 2.123 Municipality. Shall mean the municipal corporation known as the Borough of Weissport, Carbon County, Pennsylvania.
- 2.124 Nonconforming Lot. A zone lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated.
- 2.125 Nonconforming Use or Building. A nonconforming use or building is a building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building, structure

or use, planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto and completed within a one year period after the effective date of this Ordinance or amendment, thereto; and which does not conform with the use regulations of the district in which located. No existing use or building shall be considered a nonconforming use if only the yards, area, height, coverage dimensions, or off-street parking or loading do not conform with the regulations of this Ordinance.

- 2.126 Nursing Home. Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.
- 2.127 Parking Area, Private. An open area for the same uses as a private garage.
- 2.128 Parking Area, Public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 2.129 Permitted Use. Any use which does not require special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.
- 2.130 Professional Office. Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape

architect, city planner, engineer, insurance agent, realtor, accountant, lawyer, or author.

- 2.131 Sign, Advertising. An "advertising sign" is a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- 2.132 Sign, Gross Surface Area Of. The "gross surface area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- 2.133 Special Use. A use which because of its unique characteristics required individual consideration in each case by the Zoning Hearing Board and by the Commission before a zoning permit may be issued. The term "Special Use" will include the term "Special Exception" as used in the Municipalities Planning Code.
- 2.134 Story. That portion of a building, included between the surface of any floor and the surface of the floor next about it, or, if there be no floor above it, then the space between the floor and the ceiling next about it.

- a. Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.
 - b. Story, First. The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
- 2.135 Street. A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.
- 2.136 Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment, to something having a permanent location on the ground, including stationary and portable carports.
- 2.137 Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.
- 2.138 Travel Trailer. A vehicle, less than 30 feet in length and used for temporary living or sleeping purposes, and standing on wheels.

- 2.139 Yard. An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.
- a. Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
 - b. Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
 - c. Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
- 2.140 Variance. The Board's authorized departure to a minor degree from the text of this Ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.
- 2.141 Zoning Inspector or Building Inspector. The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

The Borough of Weissport is divided into the following districts:

R-1 Single Family Residential

R-2 Multi-Family Residential

C General Commercial

I General Industrial

S Special Purpose

3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of Weissport. The Zoning Map is hereby made a part of this Ordinance, together with all future notations, reference and amendments.

3.300 INTERPRETATION OF BOUNDARIES

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

ARTICLE 4

BASIC DISTRICT REGULATIONS

4.100 BASIC REGULATIONS

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

4.101 Regulations Governing the Use of Land. Regulations governing the use of land within the various Zoning Districts shall be set forth in Schedule I.

4.102 Regulations Governing the Size of Lots, Yards and Buildings. Regulations governing the size of lots, yards and buildings in various Zoning Districts for Permitted Uses shall be as set forth in Schedule II.

4.103 Regulations Governing Special Uses. Regulations governing certain Special Uses set forth in Section 4.202.

4.200 USE CLASSES IN ZONING DISTRICTS

Eleven (11) "Use Classes" are hereby established as shown in Schedule I. The specific uses included in each use class are outlined below and none of these uses shall be permitted in any

district if they are to be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactivity, or other hazard; noise or vibration, smoke dust, dirt or other forms of air pollution, electrical glare or other disturbance, which will adversely affect the surrounding area or premises.

4.201 Permitted Uses (Use Class 1 through 6)

Uses listed in Schedule I shall require no special action by the Zoning Hearing Board or by the Planning Commission before a Zoning Permit is granted by the Zoning Inspector.

Use Class 1. Single Family Residential. Includes single family dwellings.

Use Class 2. Multi-Family Residential. Includes single family, two family, and multi-family dwellings.

Use Class 3. General Commercial. Includes business service, commercial recreation and education and entertainment establishments. Such establishment shall be carried on in a completely enclosed building except for off-street parking and loading facilities, auto service stations, auto and truck sales lots, swimming pools, mobile homes and travel trailer sales lots.

Retail business establishments include shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies and sporting goods, speciality and gift items, furniture and office supplies.

Customer service establishments include shops engaged in the repair of household, clothing and appliance items, barber and beauty shops, tailor shops, pickup stations and self-service establishments for the dry cleaning and laundering of clothes, business offices, and eating and drinking establishments, department stores, gymnasiums and physical health salons, photographic studios, medical centers, banks and financial institutions, hotels, and motels, blueprinting and graphic reproduction shops, printing and publishing establishments, wholesale offices, and showrooms, offices of all types, radio and television studios, auto supply stores, funeral homes, nursing and convalescent homes and rooming houses.

Commercial recreation and entertainment establishments include theaters, nightclubs, art galleries, and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs, and lodges, and swimming pools.

Commercial education establishments include schools for the study of business, technical trades, art, music, dancing and photography.

Use Class 4. General Industrial. Includes heavy commercial and general Industrial uses serving the entire Borough.

Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities include wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, whole-sale produce and meat markets, mechanical and vehicle equipment repair establishments, laundries, sign painting, automatic car wash, blue-printing, and graphic reproduction shops, printing and publishing establishments, radio and television studios and transmission or receiving towers, animal hospital and veterinary clinics and animal kennels.

Heavy commercial uses which do not require complete or partial enclosure in a building include building materials and fuel storage, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments, monument works, nurseries and greenhouses, auto services stations.

General industrial uses which shall be carried on in a completely enclosed building include the storage, manufacture, assembly, packing or testing of products from raw materials and from other previously prepared materials.

Use Class 5. Open-Space Uses. Includes the production of agricultural, nursery and park products, low intensity park and recreation areas, day camps, landscaped areas, and radio transmission or receiving towers or facilities.

Use Class 6. Customary Accessory and Essential Services. Includes uses customarily accessory to the principal use of a lot and essential services provided by public utilities and as defined in Section 2.114 of this Ordinance. Such uses include home occupations, home gardening, but not the keeping of livestock or poultry, nonprofit nurseries and greenhouses (not including outdoor storage of equipment) and professional offices of persons residing on the premises, private garages or parking areas, signs, off-street parking and loading, and building and other uses customarily appurtenant to other permitted or special uses.

Also includes essential services for public utilities that do not require enclosure in a building including the construction or maintenance, by public utilities or governmental agencies of gas, electrical, steam, telephone, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables

fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which conform to the height regulations of the zoning district in which they are proposed.

Mobile home or travel trailers may be permitted as a temporary accessory used during the construction of a permanent structure in any district, by the Zoning Hearing Board for a period not to exceed six (6) months.

Limited accessory uses shall be limited by permit to a period of six (6) months. Any extension of such uses shall be reviewed by the Commission. These uses shall include parked unoccupied travel trailers, temporary tract offices, temporary mining operations as provided for in Section 5.700, and fairgrounds. Occupied travel trailers will be permitted for a period of one (1) week. Extensions shall be reviewed by the Commission.

4.202 Special Uses (Use Classes 7 through 11). Uses listed as "Special Uses" in Schedule I shall require individual consideration in each case because of their unique characteristics. Such "Special Uses" may be permitted only upon authorization by the Board, subject to certain conditions and safeguards, as provided in this Section and after review by the Commission.

Such "Special Uses" shall comply with the provisions of this Section and may be permitted by the Board subject to any additional conditions and safeguards which may be warranted by the character of the area in which such uses are proposed or by special factors.

A Special Use shall not cause substantial injury to the value of other property where it is located; shall conform with regulations applicable to the District where located; shall provide adequate landscaping and screening to protect adjoining area; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare, and convenience.

The following regulations shall apply to Special Uses (Use Classes 6 through 10) which are authorized by the Board:

Use Class 7. Conversions. All conversions shall have at least one (1) off-street parking space per dwelling unit and each unit shall have adequate light, air, heating, and plumbing facilities, at least two exits from each such unit and each unit shall have not less than 900 square feet of floor space nor less than 3,000 square feet of lot area for each such dwelling.

Use Class 8. Related Residential Uses. Include nurseries for the day care of young children and nonprofit social halls, churches, clubs, and lodges and all such uses shall comply with the following:

- a. Except for a sign, there shall be no external evidence of any gainful activity.
- b. Any such use shall have sufficient parking as set forth in Section 5.501 to serve the anticipated number of users and employees and shall have suitable street access without causing traffic on local residential streets.

- c. All such buildings shall conform to the Minimum Lot Size, Minimum Yards, Maximum Building Height and Maximum Building Coverage Regulations specified in Schedule II for the appropriate zone.

Use Class 9. Large Scale Residential Developments. Includes residential uses of all types which are located on a tract of land at least five acres in size which is planned for development in its entirety under single ownership or control. Such residential large scale developments may be permitted by the Board for the purpose of encouraging a flexibility of design which will result in an integrated site plan designed to benefit the residents or occupants of such development and of neighborhood properties and shall comply with the following:

- a. It shall consist of either single family, two family, or multi-family dwellings, or combinations thereof, and accessory uses provided that the average number of square feet of land area per dwelling unit, excluding streets, shall be not less than the following:

AVERAGE LAND AREA (EXCLUDING STREETS)				
PER DWELLING UNIT				
AVERAGE AREA (SQ. FT.) REQUIRED				
PER DWELLING UNIT				
Single Family	Two Family	Multi-Family		
		Limited Apartment	Garden Apartment	Elevator Apartment
7,000	3,500	2,000	1,500	1,000

- b. The proposed developer shall demonstrate that a sufficient market exists for the type, size and character of the development proposed.

- c. Adequate, safe and convenient pedestrian and vehicular circulation facilities, including roadways, driveways, off-street parking and loading, sidewalks, malls and landscaped areas, to serve the development shall be provided.
- d. Paving and drainage facilities shall be designed to adequately handle storm waters, prevent erosion and the formation of dust.
- e. Signs and lighting devices shall be properly arranged to avoid conflicts with residential uses.
- f. The orientation of buildings shall provide adequate light, air and open-space, and shall conform with the following:
 - 1. In buildings containing multiple dwelling units, wall containing main window exposures or main entrances shall be so oriented as to ensure adequate light and air exposure.
 - 2. Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent building.
 - 3. A building wall exposing both windows and an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, in no case less than fifty feet.

4.201

SCHEDULE 1
REGULATIONS GOVERNING THE USE OF LAND

USE CLASS	ZONING DISTRICT				
	R-1	R-2	C	I	S
1. Single Family Residential	X	X			
2. Multi-Family Residential		X			
3. General Commercial			X	X	
4. General Industrial				X	
5. Open-Space Uses					X
6. Customary Accessory Uses and Essential Services	X	X	X	X	X
7. Conversions	X	X			
8. Related Residential Uses	X	X			
9. Large Scale Residential Development	X	X			
10. Appropriate Public Uses	X	X	X	X	X
11. Mobile Home Courts	X				

Note: "X" indicates that the Use Class is permitted in the District. See Section 4.201 for a description of the uses included in each Use Class and for an explanation of the conditions under which they are permitted in each District.

Weissport Borough

SCHEDULE 11

REGULATIONS GOVERNING THE SIZE OF LOTS, YARD AND BUILDINGS FOR PERMITTED USES

TYPE OF REGULATION	ZONING DISTRICT			
	R-1	R-2	C	I S
	S.F.	T.F.	M.F.	
<u>Minimum Lot Size</u>				
Area (Sq. Ft.)	5,000	8,000	10,000	5,000 10,000 43,560
Width (Ft.)	7,500	60	80	50 100 150
Depth (Ft.)	125	125	125	100 100 300
Average Lot Area Per D.U. (Sq. Ft.)	7,500	4,000	2,000	-- 43,650
<u>Minimum Yards</u>				
Front (Ft.)	25	15	20	10 20 25
Rear (Ft.)	50	30	30	20 20 50
Each Side Yard (Ft.)	10	5	10	20 20 25
<u>Maximum Building Height</u>				
Number of Stories	2.5	2.5	6	3 3 2.5
Feet	35	35	75	40 40 35
<u>Maximum Building Coverage (%)</u>				
	35	50	40	50 50 15

- Notes: 1. This Schedule does not apply to Special Uses. See Section 4.202 for regulations governing such Special Uses.
2. See Article 5 for other Supplementary Regulations governing various uses including variations to lot and yard sizes and regulations governing accessory structures, signs, off-street parking and loading, and nonconforming uses and lots.
3. S.F. - Single Family Dwellings.
T.F. - Two Family Dwellings.
M.F. - Multi-Family Dwellings.

4. A building wall exposing only windows or only an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than twenty-five feet.
5. A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.
- h. The development shall be served by public water and adequate sewage facilities.
- i. Usable open space suitable for use as play areas for children or as outdoor living space for families shall be provided in amounts not less than 250 square feet per dwelling unit for single family dwellings and 150 square feet per dwelling unit for two family and multi-family units.
- j. Such residential large scale developments, consisting of 100 or more dwelling units, may include compact integrated retail and service shopping facilities, of the type enumerated in Use Class 3, which are designed to serve the development or other nearby residential areas.

Use Class 10. Appropriate Public Uses. Includes public and quasi-public uses of a welfare, educational, religious, recreation and cultural nature, and religious homes accessory to such uses; radio and television transmission or receiving towers; and essential public utilities that require enclosure within a building, except for telephone central office buildings and telephone booths.

Such Public Uses permitted by the Board as a Special Use shall be appropriate to the character of the district in which it is proposed and to the area which it will serve. Such appropriate Public Uses shall have adequate access, shall provide off-street parking and loading as specified in Section 5.500, shall provide necessary landscaping and screening to protect adjoining areas, and shall comply with the following lot, yard and building regulations:

REGULATIONS FOR APPROPRIATE PUBLIC USES

USES	APPROPRIATE PUBLIC USES
Minimum Lot Size (Sq. Ft.)	7,000
<u>Minimum Yards (Ft.)</u>	
Front Yard	25
Rear Yard	30
Each Side Yard	8
<u>Maximum Building Height</u>	
Number of Stories	3
Height in Feet	40
<u>Maximum Building Coverage (%)</u>	60

Use Class 11. Mobile Home Courts. Includes mobile home dwellings in the development of Mobile Home Courts planned as a unit which are located on tracts of land at least five (5) acres in size. Such Mobile Home Courts shall comply with all of the regulations of the State of Pennsylvania for Mobile Home Courts and with the following additional regulations:

- a. Individual mobile home lots located in a Mobile Home Court shall contain at least 5,000 square feet of lot area.
- b. No mobile home shall be located closer than fifty (50) feet to any property line defining the external boundary of the court.
- c. The minimum side clearance between any two adjacent mobile homes shall be sixteen (16) feet.
- d. Roadway or area lighting shall be reflected away from adjoining properties.

4.300 PROHIBITED USES

4.301 Specific Prohibited Uses. The following uses are not permitted in any location in the Borough:

Junk Yards

Sanitariums

Tanning Plants

Slaughter Houses

Hide Rendering Plants
Fertilizer Manufacturing
Drive-in Theater

4.400 PROVISION FOR ADDING USES TO USE CLASSES

A use may be added to the Use Classes by the Zoning Hearing Board after review by the Planning Commission, provided that:

- a. It is not listed in any other Use Class.
- b. The Use Class proposed is the most appropriate for the use.
- c. No general nuisance is created.
- d. It shall not adversely affect the character of any district in which it is to be permitted.

ARTICLE 5

SUPPLEMENTARY REGULATIONS

5.100 PERMITTED VARIATIONS FROM REQUIRED AREAS

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

5.101 Existing Nonconforming Lots. In any zone, where a nonconforming lot exists as a separate entity at the time of passage of this Ordinance, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted:

- a. If the lot is located in the R-Districts, a single family dwelling may be constructed on it as a permitted use, provided that the lot is in at least 75 percent compliance with each of the following requirements for the single family dwellings, as specified in the District in which the lot is located: lot area, lot width, rear yard, side yard, and maximum building coverage.
- b. If the lot is located in any remaining District, then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the District in which it is located, as shown on Schedule I, provided that the off-street parking and loading requirements of this Ordinance shall be complied with and that the front, side and rear yards are in keeping with the surrounding area, except that a side yard of at least 50 feet shall be required whenever such a use abuts an existing residential use or a residential district.

- 5.102 Height Limitations. District height limitations shall not apply to church spires, cupolas, and domes, monuments, water towers, chimneys, smokestacks, farm structures, silos, flag poles, utility poles, radio and television masts or aerials, utility towers, and parapet walls extending not more than four feet above the limiting height of the building. The Board, after review by the Commission, may waive the height limitations of this Ordinance, as they pertain to elevator apartments and to commercial and manufacturing buildings. In such cases the Board shall determine that such a departure is in the best interests of the municipality, that it will be compatible with and not cause substantial injury to the value of other adjoining property, and that adequate off-street parking, loading and fire protection will be provided.
- 5.103 Front Yard Exception. When an unimproved lot is situated between two improved lots, each having a principal building within 30 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below twenty feet in residential districts and ten feet in commercial and manufacturing districts.
- 5.104 Projections Into Yards. Projections into required yards shall be permitted as follows, except that no such projection shall be located closer than ten feet to any side or rear lot line or twenty

feet to any front lot line.

- a. Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of three feet.
- b. Porches may project into the required rear yard up to ten (10) feet.
- c. Patios may be located in the required side and rear yards not closer than ten feet to any adjacent property line, and may project into front yards up to fifteen feet. Patios cannot be enclosed or covered by a potential permanent roof.

5.105 Changes to Conforming Uses and Buildings. Any conforming use or building may be required, maintained, restored or rebuilt to the same dimensions existing at the time that the use or building was originally constructed or started.

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

case the maximum building coverage for the enlarged section shall not exceed 80 percent for commercial and manufacturing buildings or 60 percent for residential buildings.

5.200 UNIQUE LOTS AND BUILDING LOCATIONS

- 5.201 Two or More Buildings on a Lot. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.
- 5.202 Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearby parallel street or alley, the Commission shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in Sections 5.201 and 5.203.
- 5.203 Lots Fronting on an Alley. Individual lots, existing at the effective date of this Ordinance, fronting on an alley, shall comply with all the requirements of this Ordinance and the district in which said lots are located.
- 5.204 Side Yard of a Corner Lot. The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

5.205 Corner Lots. No obstruction to vision (other than an existing building, post, column, or tree) exceeding 30 inches in height shall be erected, planted, or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two points on the right-of-way line of each street each located 50 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

5.300 ACCESSORY STRUCTURES AND USES

5.301 Accessory Structures. All accessory structures shall conform with the minimum yard regulations established in Article 4, except as permitted below:

a. Unattached Structures Accessory to Residential Buildings.

Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 15 feet or one and one half stories and may be erected within the required rear yard of a principal structure provided that they conform with the following:

1. Distance from Side Lot Line - Not less than six feet from the side lot line, except in the case of corner lots where the side yard as specified in Section 5.204 shall be maintained.

2. Distance from Rear Lot Line - Not less than five feet from the rear lot line.

3. Distance from Principal Structure - Not less than 10 feet from a principal structure.

b. Unattached Structures Accessory to Nonresidential Buildings.

Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of a least 20 feet.

c. Fences and Walls. Unless specifically noted, the provisions of this Ordinance shall not apply to fences, terraces or wall less than six feet in height above the average natural grade, nor to terraces, steps, unroofed porches or other similar features not over three feet high above the level of the floor of the ground story.

5.302 Home Occupations. A single home occupation per dwelling unit is permitted as an accessory use to a residential structure provided that such home occupations shall be conducted only by residents of the dwelling unit and that the only external evidence of the home occupation shall be a sign not exceeding one and one-half square feet in area. Such home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall be restricted to professional offices and the rooming or boarding of not more than two persons.

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

5.304 Private Outdoor Swimming Pools. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests and provided that the edge of the pool is not located closer than ten feet to any property line and that a five foot high fence shall completely surround the area of the swimming pool, the condition and the location of the fence conforming to Section 5.301 (c) of this Ordinance. Permits shall be required for pools ten feet or greater in diameter and capable of holding two or more feet of water.

5.400 NONCONFORMING USES AND BUILDINGS AND SIGNS

Any legal nonconforming use may be continued, repaired, maintained and improved except as provided below:

5.401 Enlargement. Such nonconforming use may not be enlarged more than 80 percent of the existing floor area for commercial and industrial uses or 60 percent for residential uses. Such enlargement shall

not exceed the maximum height or maximum building coverage requirements set forth in Schedule II for the district in which such nonconforming use is located.

- 5.402 Restoration. If any such nonconforming use is damaged, a permit for its restoration or reconstruction may be obtained if such application is filed within one (1) year of the initial damage or destruction.
- 5.403 Discontinuance. No such use may be reestablished after it has been discontinued or vacated for a period of one year.
- 5.404 Change of Use. A nonconforming use may be changed to another nonconforming use only if such change is more appropriate to the character of the District in which it is located as determined by the Board.
- 5.405 Termination. Certain types of nonconforming uses or structures which present a special nuisance or hazardous condition shall be terminated as follows:
- a. General Nuisances. Upon a complaint registered by the Zoning Inspector or fifty percent of the property owners within five hundred feet of a nonconforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare and morals of uses or structures adjoining such nonconforming use or uses, the Board shall hold a public hearing and make

a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board as related to the reasonable amortization of the capital investment in such cases.

b. Junk Yards. All nonconforming junk yards shall be terminated within three years of the adoption of this Ordinance.

5.500 OFF-STREET PARKING AND LOADING.

5.501 Off-Street Parking. In all Districts, off-street parking spaces shall be provided as set forth in the following table whenever any building is erected or enlarged. Such spaces shall have an area of at least 200 square feet and shall have adequate and well designed ingress and egress and shall be located on the same lot as the use to which they are accessory.

REGULATIONS FOR OFF-STREET PARKING SPACES (a)

TYPE AND USE	ONE PARKING SPACE REQUIRED FOR EACH
1. Offices, Retail Business and Customer Service Establishments	300.0 sq. ft. of floor area 2.5 seats
2. Restaurants, Taverns, Nightclubs	0.2 Professional persons
3. Professional Offices	(or 5 spaces per professional)
4. Motels	1.0 sleeping rooms
5. Hotels	
6. Churches, Theaters, Auditoriums and Places of Assembly	3.5 seats
7. Elementary and Secondary Public and Parochial Schools	15.0 classroom seats
8. Colleges, Universities and Commercial Schools	5.0 classroom seats
9. Social Halls, Clubs, Lodges and Dance Halls	50.0 sq. ft. of floor area 0.2 Alleys (or 5 per alley)
10. Bowling Alleys	2.0 beds
11. Hospitals	1.0 dwelling unit
12. Residential Dwellings	0.3 parlor (or 3-1/3 per parlor)
13. Funeral Homes	2.0 beds
14. Rooming Houses and Dormitories	
15. Manufacturing Plants and Laboratories	3.0 employees (b) (c)
16. Wholesale Establishments and Warehouses	2.0 employees
17. Nursing Homes	4.0 beds

(a) This table applies only to new construction and to the enlarged section of any addition.

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

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

5.600 SIGNS

- 5.601 Business and Advertising Signs. One or more business or advertising signs in the commercial and industrial districts are permitted, provided that such signs shall not have a combined gross surface area in square feet exceeding two times the frontage of the lot on which they are located, and in no case shall any single sign exceed three hundred (300) square feet.
- 5.602 Residential Signs. Non-advertising signs accessory to non-residential uses located in residential districts are permitted provided they do not exceed ten square feet in size. The number of signs shall be restricted to one to each property or dwelling unit, entrance, exit, or building to which it pertains, except those properties located on corner lots have one sign facing each street.
- 5.603 Proximity of Signs. Free standing Advertising signs shall be no closer to one another than 500 feet.
- 5.604 Yard Requirements. All free standing Advertising signs shall conform to the minimum yard requirements of the district in which they are located.
- 5.605 Illumination of Signs. All signs shall be non-flashing. Illuminated signs shall be considered as a special use, provided that such signs

shall not create any traffic hazards or abut or face any residential property.

5.606 Utility Signs. This Ordinance shall not be constructed to regulate the location or use of signs necessary for the identification, operation or protection of public utility facilities. These signs shall not exceed the size limitations of the district in which the utility facility is located.

5.607 General Regulations. The following regulations shall apply to all signs:

1. Maintenance. Signs must be constructed of durable materials maintained in good condition and not allowed to become dilapidated.
2. Project of Signs. Attached signs shall not project from any building more than three (3) feet in the direction of the street provided further that no such sign shall extend over the public street or public sidewalk area.
3. Height of Signs. No sign shall be higher than the height limit in the district where such sign is located nor shall any sign be located upon the roof of any building.

5.608 Discontinuance. Any signs existing at the effective date of this Ordinance which project into or over any public right-of-way, once taken down for any reason, shall not be replaced.

5.700 USES FRONTING ON ARTERIAL STREETS OR ABUTTING HIGHWAY INTERCHANGES.

Proposed uses fronting on Arterial Streets, or located in the vicinity of a grade separated highway interchange, shall be subject to the following regulations:

5.701 Setback. All structures fronting on Arterial Streets or on an Approach Highway leading to a grade separated highway interchange shall be setback not less than 120 feet from the right-of-way line of such street or highway.

5.702 Driveway Access Points. All structures fronting on Arterial Streets or on Approach Highways which lead to a grade separated interchange shall be limited to no more than two driveway access points, except that properties which are less than 200 feet wide shall be limited to only one driveway access point. Such driveway access points shall be designed in a manner which will minimize their interference with any through traffic on the Arterial Street or the Approach Highway. Such driveway access points shall not exceed 25 feet in width at any such point.

5.703 Interchange Ramp Protection. Individual driveway access points and intersection roads on any Approach Highway are prohibited for a distance of 1,000 feet from the end of any interchange ramp which intersects with the Approach Highway.

5.704 Service Roads. The Zoning Hearing Board may require, upon the recommendations of the Commission, the provision of service roads,

marginal access roads, rear street alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, or reduce the number of intersections and separate local and through traffic along any Arterial Street or Approach Highway. Where an Arterial Street or an Approach Highway pass through a developed section of the municipality, the Board may determine that the existing conditions in the area and the character of existing development render it impractical for the above regulations to be complied with. In such cases, the Board may make a minimum reduction to these requirements, only to the extent necessary required by existing conditions, and in keeping within the intent and objectives of this section.

5.800 MISCELLANEOUS PROVISIONS

5.801 Yard Planting and Screening. Yard screening shall be provided along the boundaries of any manufacturing or commercial use or off-street parking lot which abuts a residential use and on any Special Use where such screening is required. Such screening shall consist of a visual screen or construction of suitable shrubs, hedges, fences, or walls at least six feet high.

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

5.802 Slope of Yards. The surface area of any yard or open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

5.803 Design of Highway (Nonresidential) Development. It is the objective of this Ordinance to encourage the orderly development of commercial industrial, and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:

- a. The design of streets, service drives and pedestrian ways shall provide for safe, convenient, and hazard free internal circulation of goods, persons, and vehicles.
- b. Nonresidential parcels shall be limited to no more than two (2) driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than twenty-five (25) feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
- c. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development consideration should be given to the following:

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

5.804 Private Parking Areas and Garages. Accessory off-street parking areas or garages serving the residential or nonresidential parking demand created by the principal building are permitted in accordance with Section 6.100. Said parking areas may be located in any required front, side or rear yard.

ARTICLE 6

ADMINISTRATION AND ENFORCEMENT

6.100 GENERAL PROCEDURE

6.101 General Sequence of Steps. Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Inspector for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Inspector will then either issue or refuse the Zoning Permit or refer the application to the Zoning Hearing Board. After the Zoning Permit has been received by the applicant, he may proceed to undertake the action permitted by the Zoning Permit and upon completion of such action shall apply to the Zoning Inspector for an Occupancy Permit where such a Permit is required. If the Zoning Inspector finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

6.102 Zoning Permit Types. Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

- a. Permitted Uses. A Zoning Permit for a Permitted Use may be issued by the Zoning Inspector on his own authority.
- b. Special Uses. A Zoning Permit for a Special Use may be issued by the Zoning Inspector after review by the Commission and upon the order of the Zoning Hearing Board.

c. Zoning Permit After an Appeal or a Request for a Variance.

A Zoning Permit may be issued by the Zoning Inspector upon the order of the Zoning Hearing Board and after a public hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

6.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

6.201 Zoning Permits. The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and no person shall erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Inspector. All applications for Zoning Permits shall be in writing on forms to be furnished by the Zoning Inspector. Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance. The Zoning Inspector or the Board may revoke a Zoning Permit at any time if it appears that the application is in any material respect false or misleading, or that work being done upon the premises differs materially from that called for in the application.

6.202 Occupancy Permits. The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and

may be used for the purposes set forth in the Occupancy Permit. Prior to the use of occupancy of any land or building for which a Zoning Permit is required or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the municipality. All applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Inspector.

6.203 Certificate of Non-Conforming Use. The owner of the premises occupied by a lawful non-conforming use or building may secure a Certificate of Non-Conforming Use from the Zoning Inspector. Such Certificates shall be authorized by the Zoning Hearing Board and shall be for the purpose of insuring to the owner the right to continue such non-conforming use.

6.300 ZONING INSPECTOR

6.301 Appointment of Enforcing Officer. This Ordinance shall be enforced by the Zoning Inspector, who shall be appointed by the Governing Body of the municipality.

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

6.400 ZONING HEARING BOARD

6.401 Board is Hereby Created. The Governing Body of the municipality does hereby create a Zoning Hearing Board as provided for by the laws of the Commonwealth of Pennsylvania.

6.402 Appointment of Members. The Board shall consist of three (3) members to be appointed by the Governing Body. One member shall be designated to serve until January 1 of the year following the adoption of this Ordinance, one until January 1 of the first succeeding year, and

one until January 1 of the second succeeding year. Their successors shall be appointed on the expiration of their respective terms, to serve three (3) years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

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

6.404 Referral to the Commission. The Board shall refer to the Commission all applications for Special Uses, any other applications and appeals. In its review, the Commission shall in the case of Special Uses, determine compliance with the standards set forth in this Ordinance, and in all cases shall report in writing its findings and recommendations to the Board within thirty (30) days.

6.500 VARIANCES

6.501 Board May Authorize Variance. Upon appeal, and after a public

hearing, the Board may for a use permitted in the zone district, vary the strict application of any of the requirements of this Ordinance provided that said variance shall be in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty of unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

6.502 Required Showing for Variances. No variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds special circumstances or conditions, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood, that said circumstance or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building, that the granting of the variance would deprive the applicant of the reasonable use of such land or building, that the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board, is the minimum variance that will accomplish this purpose,

and that the granting of such variance will not materially detrimental to the public welfare or injurious to the property of improvements in such vicinity and district in which the property is located.

6.600 APPEALS AND PUBLIC HEARINGS.

- 6.601 Appeal from Decision of Zoning Inspector. Any person or official of the municipality aggrieved or affected by any provision of this Ordinance or by any decision, including any order to stop, cease and desist issued by the Zoning Inspector may appeal. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Inspector and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof.
- 6.602 Expiration of Appeal Decision. Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.
- 6.603 Appeal from Decision of Board. In case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law, and shall promptly notify the Solicitor to the municipality of such appeal and furnish him with a copy of the return including transcript of testimony. Any offer of the Board not appealed within 30 days shall be final.

6.604 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certified to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Zoning Inspector, or by the Court of Common Pleas.

6.605 Information Required on Appeals to the Board. All appeals from a decision of the Zoning Inspector and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

- a. The name and address of the applicant or appellant.
- b. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
- c. A brief description and location of the zone lot to be affected by such proposed change, or appeal.
- d. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
- e. A statement of the section of this Ordinance under which the appeal is made, and reasons why it should be granted.

or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.

f. A reasonably accurate description of the present improvements, and the additions or changes 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 property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to erected thereof.

6.606 Public Hearings to be Held by Board. Upon filing with the Board of an appeal or a request for a variance as required by the terms of this Ordinance, or for such other purposes as provided herein where the Board deems it in the public interest, the Board shall fix a reasonable time for the hearings of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days after the hearing of if said hearing is continued, within thirty (30) days after said continued hearing. If the Zoning Hearing Board doe not make a decision within thirty (30) days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the person or official of the municipality aggrieved or affected who is seeking relief. Upon the hearing, any party may appear in person or by agent or by attorney.

6.700 AMENDMENTS

The procedures set forth in law relating to the adoption of this Ordinance shall be adopted in amending, supplementing or repealing any of the provisions of this Ordinance.

In case, however, of a protest against such change, signed by the owners of 20 percent of more either of the area of the lots included in such proposed change or those immediately adjacent in the rear or in the front or to either side thereof extending 100 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of a majority of the Governing Body of the municipality.

6.800 VIOLATIONS

6.801 Governing Body May Initiate Appropriate Action. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, or of any Ordinance or regulation made under authority conferred hereby, the Governing Body of the municipality, or with their approval, the Zoning Inspector or other proper official, in addition to other remedies, any 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 and to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

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

6.900 FILING FEES

The following fees shall be paid at the office of the Zoning Inspector upon the filing of an application; checks shall be made payable to the "Borough of Weissport".

6.901 Zoning Permits for uses not requiring Board action.
Five Dollars (\$5.00).

6.902 Zoning Permits for uses requiring Board action.
Thirty Dollars (\$30.00).

6.903 Variance or Appeal Application. Thirty Dollars (\$30.00) plus all Municipal costs to be borne by the applicant.

6.904 Request for Amendment. A minimum fee of Thirty Dollars (\$30.00).

6.905 Certificates of Nonconformance. No fee if application is made within twelve (12) months after the effective date of this Ordinance. Otherwise, a fee of Two (\$2.00) Dollars shall be paid.

6.906 Occupancy Permit. No fee.

6.907 Application for Interpretation of Boundaries. No fee.

Adopted this _____ day of _____,
19_____, by the Borough Council of the Borough of Weissport, Pennsylvania.

President of Borough Council

Mayor

(SEAL)

Attest:

Borough Secretary