

GALLITZIN BOROUGH

ZONING ORDINANCE

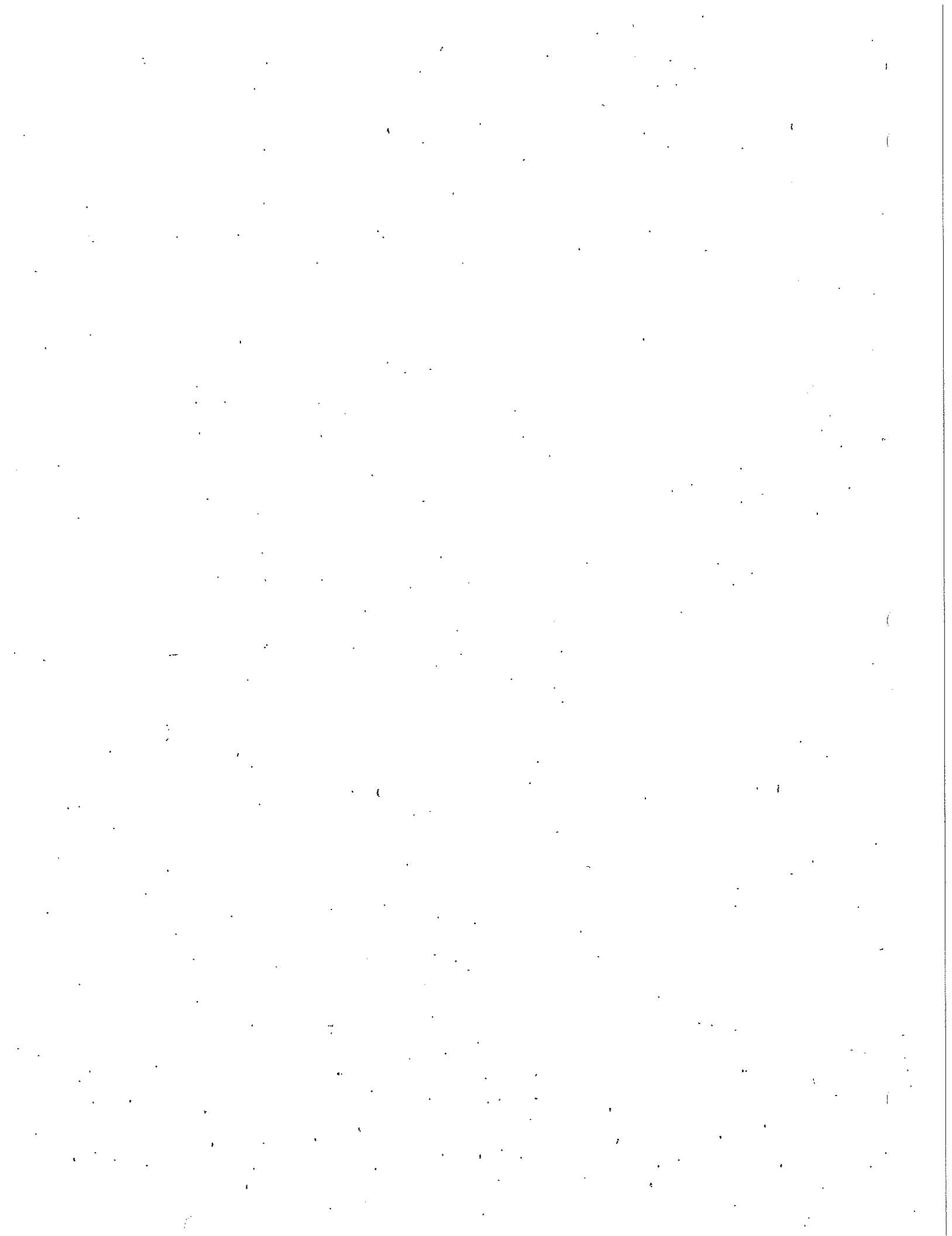
**Prepared by the Cambria County Planning Commission
for the Gallitzin Borough Planning Commission, February, 2006.**

**AMENDED and ADOPTED by
GALLITZIN BOROUGH COUNCIL
APRIL, 2016**

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ARTICLE I

PRELIMINARY PROVISIONS

SECTION 101 ENACTING CLAUSE

Be it ordained and enacted by the Gallitzin Borough Council assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this ordinance, the several classes of district specified herein shall be established and the following regulations shall be in full force and effect.

SECTION 102 SHORT TITLE

This ordinance shall be known as the Zoning Ordinance, and the map referred to herein and made a part of this ordinance shall be known as the Zoning District Map.

SECTION 103 EFFECTIVE DATE

The effective date of this ordinance shall be five (5) days after enactment and signature of approval by the Gallitzin Borough Council.

SECTION 104 VALIDITY AND CONFLICT

Should any section of provision of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid. Where a provision of this ordinance is in conflict with a provision of any building or housing code, or in any applicable health regulation, or in any other ordinance of the Borough existing on the effective date of this ordinance, or in any regulation issued under the authority of such code or ordinance, the provision which establishes the higher standard for the protection of health, safety and welfare shall prevail. Any part of this ordinance in conflict with superior regulatory group will be deemed invalid.

SECTION 105 PURPOSE AND INTENTION OF ORDINANCE

The purposes of this ordinance are set forth in general terms in the Act of Legislature which enables the Borough to enact this ordinance. The provisions of this ordinance shall be held to the minimum requirements for the protection of health, safety, and welfare of the people at large, and to be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

It is fundamental to the purpose of this ordinance to recognize that existing lots or properties throughout the Borough are less adequate than other because of their location, size, odd shape, or difficult topography, or any combination of these limitations. A claim of hardship under this ordinance therefore, shall not be allowed on behalf of any lot because the physical characteristics of the lot prevent it from being built upon exactly as in another lot abutting or close to it in the same zoning district. The regulations herein permit most such lots to be satisfactorily built upon. There can be some alleviation for other lots through variances (minor concessions) granted by the Zoning Hearing Board when special physical conditions make literal enforcement of the regulations either unsatisfactory to the interest of the people at large or actually impossible. It is not the ordinance but the physical conditions that prevent a lot from accommodating a type or area or bulk of structure unsuited to it. For typical example, it is not intended that each lot in a Multiple-Family Dwelling District automatically become the prospective site for a multiple-family dwelling and use. If a lot in such a district, after provision of the yards, and other open spaces prescribed for its own and adjacent property protection, has a buildable area too small in area or dimensions for a multiple-family dwelling, then the lot may be used under its district regulations for another type of dwelling or building permitted in that district.

SECTION 106 PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

The purpose of this zoning ordinance shall be designed:

- (1) To promote, protect and facilitate the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, 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:
- (2) To prevent the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers. Zoning Ordinance has been made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- (3) To facilitate the development of the Borough and to fulfill the goals and objectives of the Gallitzin Borough Comprehensive Plan dated July 1976.

SECTION 107 FILING

This ordinance, including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested party in the Borough Office.

NOTE: If there is no definition of a word in the following list, the definition as found in Webster's Dictionary will be used.

ARTICLE II

RULES AND DEFINITION

SECTION 201 RULES

The following rules of construction shall apply to the ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present sense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "and/or "occupied for".

SECTION 202 DEFINITIONS

ACCESSORY BUILDING OR ACCESSORY USE – A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. An accessory includes, but is not limited to, the following:

- Children's playhouse, garden house, or private greenhouse
- Garage, shed, or building for domestic storage
- Incinerator incidental to residential use
- Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations
- Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations

- Non-paying guest house or rooms for non-paying guests with an accessory building provided such facilities are used for the occasional housing of guests or occupants of the principal building and not for permanent occupancy by others as housekeeping units
- Servants' quarters or servants' house
- Off-street motor vehicle parking area; loading and unloading facility
- Home occupation
- Fence
- Sign (refer to Section 1202)

ACCESSORY USE – Use of a subordinate or supplementary part, object, etc. used mainly for convenience, attractiveness, or safety.

ALLEY – A service way providing a secondary public means of access to abutting properties.

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

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

APARTMENT – A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

APARTMENT HOTEL – A building consisting of guest rooms, suites of rooms, or dwelling units which are occupied more or less permanently, wherein the occupants are furnished s-called hotel services, including dining room and main service.

APARTMENT HOUSE – A building used by three (3) or more families living independently of each other and containing dwelling units.

AREA, BUILDING – The total of areas taken on a horizontal plan at the main level of the principal building exclusive of uncovered porches, terraces, steps, garages and other necessary buildings.

AUTOMOBILE REPAIR, MAJOR – Engine rebuilding or major reconditioning or worn or damaged motor vehicles or trailers; collision service; including body, frame or fender straightening or repair; overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR -- Incidental repairs; replacement of parts; motor service to automobiles; state inspection; but not including any operation specified under AUTOMOBILE REPAIR, MAJOR above.

BASEMENT -- A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

BED AND BREAKFAST- Sleeping quarters and meal provided in the morning by the owner of the bed and breakfast, in exchange for payment by the user/users of the service.

BILLBOARD -- Structure, building wall, or other outdoor surface used to display lettered, pictorial, sculptured, or other matter which direct attention to any product, commodity, or service offered only elsewhere than on the premises or as a minor or incidental service on the premises.

BOARD -- The Zoning Hearing Board of Gallitzin Borough.

BUFFER AREA -- A strip of land which is planted and maintained in shrubs, bushes, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING -- A structure having a roof supported by columns or walls, for the shelter of person, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwelling, each portion of such structure shall be considered a separate building.

BUILDING AREA -- The floor area enclosed by exterior walls and roof or ceiling (see FLOOR AREA).

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

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

BUSINESS-A person, partnership, or corporation engaged in commerce, manufacturing, or a service. A profit seeking enterprise or concern.

CELLAR -- A portion of a building having one-half or more of its height below the average grade of the adjoining ground. In a dwelling, a cellar may not contain living quarters.

CONVENIENCE STORE - A store providing items for sale suitable to meet the needs of people living near the location of the store, or people who routinely frequent the area of the store.

COVERAGE -- That percentage of the lot area covered by the building area.

DISTRICT ZONING -- A section of the Borough for which uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established.

DWELLING -- A building designed or used exclusively as the living quarters for one or more families.

DWELLING, ONE-FAMILY -- A detached building design for us occupied exclusively by one family.

DWELLING, TWO-FAMILY -- A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

DWELLING, MULTIPLE-FAMILY -- A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities or both.

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

DWELLING, MULTI-STORY MULTIPLE-FAMILY -- A multiple-family dwelling of more than three (3) stories.

DWELLING, ROW -- A multiple-family dwelling divided by party walls into distinct and non-communicating units, each dwelling unit of which has direct access to the outdoors.

DWELLING UNIT -- A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

FAMILY -- One or more persons related by blood, marriage, or adoption, or three unrelated person living as a household in a dwelling unit. May also include domestic servants and gratuitous guests.

FLOOR AREA – The sum of the gross horizontal areas of the several floors of a building or buildings, measures from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining parking and loading space requirements for the several zoning districts herein, the “floor area” of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-half (7 ½) feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies, and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

FLOOR AREA RATIO (F.A.R.) – The total floor area of the building or buildings on a lot divided by the area of such lot, or in the case of group dwellings or multiple dwelling plans, by the net site area.

GARAGE, PRIVATE – An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC – Any garage other than a private garage, available to the public, and which is used for storage, parking, repair, rental greasing, washing, servicing, adjusting, or equipping of motor-driven vehicles, including state inspection.

HABITABLE LIVING AREA – The floor area of a building or structure which is finished to the extent necessary to permit occupation by residents or other users of the building or structure.

HEIGHT – See BUILDING HEIGHT herein.

HOME BASED-NO IMPACT—Business operated from a private home. By the nature of the business, no effect or influence is experienced by the neighborhood or setting of the private home.

HOME OCCUPATION – the use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling and which does not change the character thereof or have any exterior evidence of such secondary use other than a small plate, and in connection therewith there is not involved the keeping of a stock in trade.

HOSPITAL – The term “hospital” shall include clinic, rest home, nursing home, convalescent home, and any place for the diagnosis, treatment, or other care of human ailments, and shall be deemed to be limited to such places.

HOTEL – A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all times, and which is open to transient guests, in contradistinction to a boarding house, lodging house, or rooming house.

HOTEL, MOTOR – A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through and inside lobby or office supervised by a person in charge at all times or directly from the exterior.

GROUP HOME/PERSONAL CARE HOME – A public or private establishment, which may be operated for profit or not for profit, devoted to the shelter, maintenance, education, treatment and care of children, homeless, aged, physically impaired, mentally and/or psychiatrically impaired, or any combination of these conditions.

KOZ – Keystone Opportunity Zone

LOADING SPACE – A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

LOT – A parcel, tract, or area of land accessible by means of a public street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or may include parts of or a combination of such parcels when adjacent to one another and used as one parcel.

LOT, CORNER – A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of two street lines.

LOT, DEPTH OF – The mean horizontal distance between the front lot line and the rear lot line, measure midway between the side lot lines.

LOT, INTERIOR – A lot other than a corner lot or a through lot.

LOT LINE, FRONT – In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LOT, THROUGH – A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT WIDTH – The dimension of a lot, measured between the side lot lines on the building line.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained on one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOTEL – See HOTEL, MOTOR herein.

NON-CONFORMING USE – A building or use of land unlawfully existing on the effective date of this ordinance that does not completely conform to the use regulations for the district in which it is located.

NURSERY SCHOOL – A school designed to provide daytime care or instruction for two or more children of preschool age.

PARKING LOT – Any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

PARKING SPACE – An off-street or off-alley space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

PET – Any animal, with exclusion of farm animals, hoofed animals, poultry, or aquarium fish that can be purchased at a pet store, shelter or breeder.

PLANNING COMMISSION – The Gallitzin Borough Planning Commission.

PUBLIC GROUNDS – Land or area pertaining to, or affecting the people or community as a whole.

PUBLIC HEARING – a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

PUBLIC MEETING – a forum held pursuant to notice under 65 Pa. C.S. CH. 7
(Relating to open meetings)

PUBLIC NOTICE – notice published once each week in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be no more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.

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

RESTAURANT - A place where meals are served to customers in exchange for payment by the customer.

SELF-SERVICE LAUNDRY - A business that provides home-type washing, drying, or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SERVICE STATION - A building(s); premises, or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats, or aircraft.

SIGN - Any surface, fabric, or device bearing lettered, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; any structure design to carry the above visual information; any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

SITE PLAN - A drawing prepared to scale which indicates all lot lines, adjacent streets, easements, rights of way, the size and location of all buildings, parking areas, driveways and other prominent features.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET - A public or private way other than an alley which affords the principal means of access to abutting properties. If there is no officially established grade, the Municipal Engineer shall establish same.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

UCC - Uniform Construction Code

USE - The specific purpose for which land or a building is designed, arranged, intended, or for which it may be occupied or maintained. The term PERMITTED USE or its equivalent shall not be deemed to include any non-conforming use.

YARD - A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

YARD CORNER - A front yard extending the full length of a street line shall be considered a front yard. The set back requirements for corner lots of yards shall conform to the set back requirements for each of the intersecting streets.

YARD FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the lot line and the building line.

YARD, REAR -- A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty (30) percent of the space, and steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such building.

YARD, SIDE -- A yard between the principal building and the side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measure horizontally and at ninety degrees (90°) with the side lot line, from the nearest part of the principal building.

ZONING HEARING BOARD -- A board of the Borough of Gallitzin shall conduct hearings and make decisions in accordance with the Gallitzin Borough Ordinances. The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant.

ZONING OFFICER -- Under the provisions of this ordinance, the individual, who shall be appointed by the Borough of Gallitzin, shall administer and enforce this ordinance, including the receiving of applications, the inspection of premises and the issuing of permits. If under UCC, Agent of the Borough will replace the Zoning Officer.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 301 ESTABLISHMENT OF DISTRICTS AND THE ZONING DISTRICT MAP

- A. The Borough of Gallitzin is hereby classified and divided into five (5) districts designated as follows:

R-1 District	R-1 Single Family Residential District
R-2 District	R-2 Multi-Family Residential District
C District	Commercial District
M District	Light Manufacturing District
S District	Conservancy

- B. The Zoning District Map which is attached hereto and made a part hereof shows the boundaries of the areas covered by the districts listed in this section.

SECTION 302 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Where district boundaries are indicated as approximately following the centerlines of streets, highways, street lines, highway right-of-way lines, or streams, street lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- D. Where the boundary of a district follows a railroad, such boundary shall be deemed to be located in the middle of the main tracks of such railroad.
- E. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Borough of Gallitzin, unless otherwise indicated.

ARTICLE IV

GENERAL PROVISIONS

SECTION 401 CONFORMANCE AND PERMITS

No building or land shall, after effective date of this ordinance, except for existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district licenses required by all laws and ordinances, including UCC.

SECTION 402 COMPLIANCE WITH REGULATIONS

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, side yard, or front yard than is herein specified for the district in which the building is located.

SECTION 403 YARDS

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or open space similarly required for another building.

SECTION 404 SUBSTANDARD DWELLINGS

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises do not have connection with the municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities having jurisdiction.

No structure shall be occupied as a dwelling unless said structure is permanently attached to the ground by a permanent foundation, crawl space or permanently attached to an on-grade slab except for mobile homes located in a mobile home park.

SECTION 405 USES REQUIRING SITE PLAN APPROVAL

Building permits issued for any use in a C, M, or S district shall require site plan approval by the UCC Administrator, in conjunction with Zoning Officer. The site plan shall be submitted to the Commission at the ten (10) days prior to the regularly schedule or special meeting at which it is to be reviewed. In addition to conforming to any specific requirements set forth in this ordinance, the Planning Commission may recommend changes in the site plan which is deemed necessary to promote orderly development of the area. In addition to the specific requirements of the district regulations, the site plan, drawn to accurate scale, will indicate the following:

- Locations of the lot or lots with respect to the adjacent streets and property owners
- Critical dimensions of setback yard area, paving, driveways, parking areas, landscape areas, and other prominent features
- Traffic circulation within the site
- Location of vehicular access to the site
- The height and bulk of structures
- Location and size of signs, walls and fence to be constructed on the site
- Provisions for storm drainage including the drainage flow, catch basins, size and location of any storm sewers, and discharge points from the site
- Connections to all public utilities serving the site

In considering any plan hereunder, the Planning Commission will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site as well as to contiguous properties, and overall development in a manner not detrimental to the public at large. The Planning Commission shall report its findings and recommendations to the Zoning Officer within forty-eight (48) hours following the review meeting.

SECTION 406 PUBLIC UTILITY USES

Public utility uses for the transportation, distribution, and control of water, gas, electricity, oil, steam, telegraph and telephone communications, cable television, and their supporting members other than buildings, and railroads shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for other buildings on a lot.

SECTION 407 LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS

Nothing in the district regulations shall be held to prohibit the erection of a one-family dwelling upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided such lot on the effective date of this ordinance was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations except lot area requirements.

SECTION 408 SITE RESTORATION PLAN

A site restoration bond to assure restoration of the site to an approved condition may be required by the Borough.

SECTION 409 TEMPORARY USE OF LAND

Temporary use of the land for recreation uses may be permitted in Residential District R-2 provided that, for new uses, there is filed with such a request the written consent of the owner of eighty percent (80%) or more of the area of property lying within two hundred (200) feet of the proposed use; and further that the existing and new uses be on an annual permit basis, the fee to be fixed by the Borough and no permanent building or fixtures to be involved or built. A temporary parking lot may also be permitted under the same conditions.

SECTION 410 CONTINUANCE

The lawful use of a building, property or land existing at the time of the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same, to a more restricted use, or to a conforming use; such use shall not thereafter be changed to a less restricted one. Whenever the use of building, property, or land becomes non-conforming through a change in the zoning ordinance or district boundaries, such as may be continued and if no structure alterations are made, it may be changed to another non-conforming use of the same or of more restricted classifications. Such a determination shall be made and properly certified by the Planning Commission prior to the issue of a building or occupancy permit.

SECTION 411 DISCONTINUANCE OF USE

Whenever a non-conforming use of a property, building, sign structure, or part thereof has been discontinued for a period of twelve (12) consecutive months, said non-conforming use shall be presumed to be abandoned and the use of the premises thereafter shall be in conformance with the regulations of the district.

Whenever a business has ceased operation for twelve (12) consecutive months, said business is considered abandoned. Before said business or a new business venture may open/operate at this property or building, approval must be received through the Borough, Zoning Officer and/or Planning Commission.

SECTION 412 ALTERATIONS, EXTENSIONS, ENLARGEMENT

No existing building or premises devoted to a use not permitted in the district in which such building or premises is located, shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located, or unless approved by the Zoning Hearing Board.

SECTION 413 PROVISIONS FOR RECONSTRUCTION

Any building or structure devoted to a non-conforming use which is damaged by fire, flood, wind, or other natural or man-made catastrophe, to the extent of seventy-five percent (75%) or more of its fair market value immediately prior to damage, shall not be repaired or reconstructed except in such a manner as shall not be detrimental to the character of the neighborhood.

In the event that the Zoning Officer's, or the UCC Administrator's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Board.

1. The owner shall obtain a building permit.
2. The owner shall submit a plan to be approved by the Zoning Officer.
3. Building construction shall be commenced within one hundred and eighty (180) days from the date the building was destroyed and shall be carried on without interruption.

SECTION 414 CONSTRUCTION IN PROGRESS

No building or structure designed or intended to be utilized for a non-conforming use shall be constructed or allowed unless construction is already underway at the time of the enactment or subsequent amendment of this ordinance, and is being diligently prosecuted so that such building or structure will be completed within eighteen (18) months from

the time of the enactment or subsequent amendment of this ordinance. All outstanding building permits for construction which do not meet those requirements are hereby rendered null and void. Said structure must be completed before a certificate of occupancy is granted (Section 903).

ARTICLE V

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

"R-1" Single-Family Residential District

The "R-1" Single-Family Residential District is composed of certain quiet, low-density residential areas of Gallitzin Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to protect the amenities of certain areas of Gallitzin Borough where the pattern has already been established with single-family development on relatively large lots; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature except home office of doctors or ministers and certain home occupations, controlled by specific limitations governing the size and extent of such non-residential activities. To these ends, development is limited to a relatively low concentration with relatively large lot size, and permitted uses are limited basically to single-family dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district.

SECTION 501 USE

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

A. Permitted Uses:

- One-family detached dwelling
- Public school or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools
- Churches and similar place of worship
- Convent, monastery, rectory, or parish house to be occupied by not more than ten persons
- Temporary building and use for construction purposes, not to exceed a period of one year
- Accessory uses customarily incidental to any of the above permitted uses and including:

Home occupation

Private garage

Fence or ornamental wall not over seven (7)
feet in height

Fence or ornamental wall not over four (4) feet in
height (front yard only)

Fence erected as part of new building
construction shall be at least one foot and
up to three feet from property line. The area
between the fence and the property line must
be maintained by the owner of the property.

No impact/Home based business

Off-street parking and loading facility

Cultivation of plants, non-commercial

Private swimming pool appurtenant to a one-family
dwelling width requirements of the district
for the principal building and when the
swimming pool or the property on which it
is located is protected by a four (4) foot
fence for above ground pools and a six (6)
foot fence for an in-ground pool, to prevent
free access of small children and meets all
applicable health and sanitary requirements

Signs as regulated herein, Section 1202

Parking of boats, boat trailers, and travel trailers not
used as dwellings on the premises

Such permitted accessory uses as listed in the
definition of ACCESSORY USE and which
are incidental to residential use

Similar type uses specifically approved by the
Zoning Hearing Board

B. Height:

The maximum height of building hereafter
erected or altered shall be as follows:

One-family detached dwelling - - thirty-five (35)
feet or two and one-half (2 ½) stories

Church or similar place of worship - - forty-five
(45) feet for the principal building and
seventy-five (75) feet for steeples or towers

Accessory building - - twenty (20) feet

Any other permitted building - - thirty-five (35) feet

or two and one-half (2 ½) stories

C. Lot Area:

The minimum lot area for every building hereafter erected or alter shall be as follows:

One-family detached dwelling, convent, monastery, rectory or parish house - - a minimum of eight thousand (8,000) square feet and width at the building line of seventy-five (75) feet.

Church or similar place of worship - - one and one-half (1 ½) acres and width at the building line of not less than two hundred (200) feet.

Public or private school - -

Elementary school: five (5) acres plus one (1) acre for every one hundred (100) students at design capacity.

Junior High School: eight (8) acres plus one (1) acre for every one hundred (100) students at design capacity

High School: twelve (12) acres plus one (1) acre for every one hundred (100) students at design capacity

D. Yard Areas Setback:

No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows (Understanding that a one hundred foot front to base):

Front Yard - - Not less than fifteen (15) feet

Side Yard - - Not less than ten (10) feet

Rear Yard - - Not less than ten (10) feet

If the front size of lot is less than one hundred (100) feet, the setbacks can be reduced proportionately to the maximum of one-half the base figures. For example: a 50 foot lot would require one-half of each setback, front would be seven and one-half feet, side would be five feet, and the rear five feet. However, the side and rear setbacks that qualify for one-half figures must have

equivalent distances on the adjoining property clear of structures. Therefore, a side setback of five feet would require an additional five feet clearance on the adjoining property.

Percentage of Lot Coverage

- E. All buildings, including accessory uses, shall cover not more than fifty percent (50%) of the area of the lot for initial construction.

However, if a structure has been demolished/razed, it is permissible to rebuild a structure within five (5) years from date of demolition with the same lot coverage, provided it complies with Permitted Uses.

- F. Dwelling Standards:

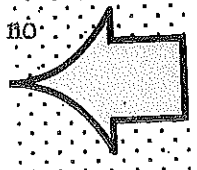
Every one-story dwelling hereafter erected or altered shall have a habitable living area of not less than eight hundred and fifty (850) square feet. Every dwelling of more than one story hereafter erected or altered shall have a total floor area of not less than one thousand (1,000) square feet. All structures shall be erected on a foundation.

- G. Off-Street Parking Facilities:

Shall be provided as required or permitted under Section 1201.

- H. Housing Developments, including Woodland Heights, Franklin Street Extension, and any additional/future housing developments:

1. The fair market value of a single family detached dwelling will be \$100,000.00 or more, when completed.
2. Construction must begin within 12 months of purchase of the lot, or the Borough has the right to re-enter and repossess the property.
3. Construction must be substantially completed within 24 months of construction initiation.
4. One home must be built on each purchased lot. If two lots are purchased, two houses must be constructed by the property owner/owners. Each house must be hooked to public sewage.
5. No trailers or temporary living quarters are permitted on the property, and the Borough has no power to consent to the same.



HERE

6. No fences will be constructed on the property lines but rather at least one foot in from the property line. Fences must be maintained if constructed.
7. No advertising signs are permitted.
8. No outdoor fire pits.
9. Garbage and trash must be kept in wire, metal, or heavy duty plastic containers when stored outdoors.
10. No shooting permitted.
11. Oil, gas, water, and mineral rights are reserved by the Borough.
12. No livestock or other animals are permitted. Household pets are permitted.
13. Mobile homes are not permitted, although some modular homes may be permitted, and will be considered by the Borough.

"R-2" Multi-Family Residential District

The "R-2" Multi-Family Residential District is composed of certain medium density residential areas of Gallitzin Borough representing a compatible mingling of single-unit and multiple-unit dwellings, and mobile home trailer parks by special exception plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district; to promote and encourage a suitable environment for family life, and to prohibit all activities of a commercial nature except home offices of doctors or ministers, funeral homes, membership clubs, rooming houses, tourist homes, and certain home occupations controlled by specific limitations governing the size and extent of such non-residential activities. To these ends, development is limited to a medium concentration, and permitted uses are typically single and two-unit dwellings, row dwelling, and low-rise apartments, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. However, high-rise apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space.

SECTION 502 USES

In this district, the land maybe used and structures may be

erected, altered enlarged, and maintained for the following uses only:

A. Permitted Uses:

Any use and accessory use permitted in the R-1 District.

Two-family dwelling

Multiple-Family dwelling

Apartments and high-rise residential buildings

Row dwelling with not more than eight (8) dwelling units in one structure

Uses permitted by special exception.

Mobile home trailer park

Funeral home

Fraternity or sorority, exception that the chief activity of which is a service customarily carried on as a business

B. Height:

As permitted in the R-1 District, except for multiple-family dwellings. High-rise apartment buildings shall not exceed six (6) stories or ninety (90) feet in height.

C. Lot Area:

The minimum lot area for every building hereafter erected or altered shall be as follows:

One-family detached dwelling, convent, monastery, rectory or parish house - -a minimum of eight thousand (8000) square feet, and a width at the building line of not less than seventy-five (75) feet.

Two-family dwelling - - forty-five hundred (4500) square feet per dwelling unit and a width at the building line of not less than sixty (60) feet.

Multiple-family dwelling - - not less than eight hundred and fifty (850) square feet per dwelling unit or apartment and a width at the building lines of not less than one hundred fifty (150) feet.

The minimum size lot for multiple-family dwelling

is one (1) acre.

Row dwelling - - not less than twenty-seven hundred (2700) square feet per unit and a width at the building line of not less than seventy-five (75) feet for a row dwelling containing three (3) or more dwelling units under one ownership. If a row dwelling is arranged, designed, or intended to be sold or owned in separate ownership between party walls, the minimum width of lot between centerlines of party walls shall be sixteen (16) feet, and the seventy-five (75) feet minimum width of total site frontage shall apply for the entire structure. The minimum size lot for a new dwelling structure shall be one-quarter acre (10,890 square feet) per unit. The minimum size lot for a high-rise apartment building shall be eight hundred fifty (850) square feet per dwelling unit and a minimum width at the building line of one hundred (100) feet.

Church and similar place of worship - - as required in the R-1 District.

Public or private school - - as required in the R-1 District.

D. Yard Areas Setback:

One-family detached dwelling, two-family dwellings:

Front Yard - - Not less than fifteen (15) feet

Side Yard - - Not less than ten (10) feet

Rear Yard - - Not less than ten (10) feet

Multiple-family dwelling, row dwellings, high-rise building - - all yards to be equal to building height or:

Front Yard - - Not less than twenty-five (25) feet

Side Yard - - Not less than fifteen (15) feet

Rear Yard - - Not less than twenty-five (25) feet

whichever is greater.

Churches and similar places of worship:

Front Yard - - Not less than forty (40) feet

Side Yard - - Not less than forty (40) feet

Rear Yard - - Not less than thirty (30) feet

Corner Lots:

The setback requirement for corner lots shall conform to the setback requirement for each of the intersecting streets.

Exception:

Where more than fifty percent (50%) of the lots within a block contain existing structures, the front yard setback may be reduced to conform to the setback lines of existing structures.

E. Percentage of Lot Coverage:

All buildings, including accessory uses, except multiple-family dwellings, shall cover not more than forty-five (45%) of the area of the lot. Multiple-family dwellings shall cover not more than fifty percent (50%) of the area of the lot.

F. Dwelling Standards:

Every one-story dwelling unit hereafter erected or altered shall have a building area or not less than eight hundred fifty (850) square feet per dwelling unit. Every dwelling unit or more than one story hereafter erected or altered shall have a total floor area of not less than one thousand (1,000) square feet per dwelling unit.

G. Off-Street Parking Facilities:

Shall be provided as required or permitted under Section 1201.

SECTION 503 SUPPLEMENTARY RESIDENTIAL USES

Within the R-2 and C Districts, the following regulations shall apply:

A. Permitted Uses:

Conversion apartment for family occupancy and efficiency apartments.

B. Dwelling Standards:

- (1) Each conversion apartment must provide a minimum of not less than four hundred (400) square feet of habitable living space.
- (2) Each living unit contains not less than one (1) private bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
- (3) Separate and private sanitary facilities, cooking and dining accommodations shall be provided for each living unit.
- (4) Fire and safety provisions must be adequate to meet local standards.
- (5) Parking shall be provided as required under Section 1201.

Efficiency apartments may be permitted for single occupancy which contains floor area other than specified in item (1) above, provided the intent of items (2), (3), and (4) above is achieved. Adequacy of compliance shall be determined by the Zoning Hearing Board prior to granting a permit.

ARTICLE VI

"C" Commercial District

The "C" General Commercial District is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise for congregation of people and passenger vehicles. This includes such uses as retail stores, theaters and other amusement enterprises, business offices, newspaper offices and printing presses, restaurants, bars, and community garages or community parking areas subject to special regulations. Residential use is limited or restricted because it would substantially interfere with the development or continuation of the commercial structure and uses in the district.

This district classification is intended to be located so as to serve more than an immediate neighborhood on or at the confluence of major access highways, so as to serve this purpose.

SECTION 601 USES

In this district, the land structures maybe used and structures may be erected, altered, enlarged, and maintained for commercial uses listed hereunder, provided:

- All merchandise and products shall be sold at retail, unless otherwise stated hereunder.
- There may be manufacture, compounding, processing, or treatment of products which is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
- Such uses, operations, or products are not noxious or offensive by reason of emission of odor, dust, smoke, gas, vibrations, noise, or other similar causes.

In any "C" District, the uses shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this ordinance be in accordance with a site plan or plans approved by the Planning Commission as required in Section 405. The site plan shall show, as proposed, the location of main and accessory structures on the site and in relation to one another; traffic circulation features within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision of automobile

parking space; the provision of other open space on the site; the landscaping, paving, fences, and walls on the site; the display of signs and surface drainage plan.

In approving site plans, the Planning Commission may act on site plans submitted to it or may act on its own initiative in proposing and approving a site plan.

In considering any site plan hereunder, the Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the site covered and in relation to access streets, harmonious and beneficial relationship of structure and uses on the site as well as contiguous properties. To this end, the Planning Commission may limit vehicular access by plan.

A. Permitted Uses:

Art, book, school supply, and stationery store
Amusement establishment, including bowling alleys, dance hall, similar place of recreation when conducted wholly within a completely enclosed building
Automobile repair, minor
Auto accessory store, automobile and truck sales and incidental service
Bakery shop, including the baking and processing of food products
Bank, financial institution, savings and loan association, drive-in or main office
Barber shop, beauty shop, chiropody, massage or personal service
Bicycle repair, sales, rental
Blueprinting, Photostatting establishment
Bus passenger terminal
Cabinet shop
Camera and photographic supply store, retail sales and service
Candy or ice cream store
Confectioners
Custom dressmaking, millinery, tailoring or show repair when conducted for retail sales on the premises only
Delicatessen
Department store
Dry-cleaning or pressing establishment, when employing facilities for the cleaning or pressing of dry goods received on the premises from retail trade only and including not wholesale dry cleaning or pressing

business, and when using non-flammable solvents
as approved by the fire department
Dry goods store, haberdashery, wearing apparel store
Duplicating or off-set reproduction shop
Electrical appliances store, sales, service, repair, but
excluding appliance assembly or manufacture
Florist shop, conservatory for retail trade on the premises
outdoor planting beds for sale or nursery
Food, fruit or vegetable store
Funeral home, mortuary
Furniture store, upholstery when conducted as a secondary
operation to the sale of furniture and furnishing
Furrier, conducted as a retail operation for trade on the
premises only
Garden supplies, seed store, nursery
Gift store
Hardware store
Health club
Hobby store
Hotel, motor hotel, club or restaurant
Household appliance store, sales and service
Interior decorating business, including upholstering and
making of draperies, slip covers and similar articles
when conducted as a part of the retail operations
and secondary use of the main
Jewelry store
Laundry, self-service, including self-service dry-cleaning
establishment
Liquor store, including beer distributors
Meat market
Medical clinic
Newsstand
Office, business or professional
Paint, wallpaper sales
Photographer's studio, art gallery, including the developing
of film when conducted as a part of the retail
business on the premises
Physician, dentist, chiropractor, architect, engineer, realty
office
Plumbing, heating, similar business showroom, excluding
shop or repair facilities
Post office
Printing shop
Restaurant, cafeteria and snack bar, including alcoholic
Beverages
Service station, public garage, or other motor vehicle

services, provided no repair work is performed outdoors; provided all pumps, underground storage tanks, lubricating and other devices are located not less than fifteen (15) feet from any street right-of-way; provided all fuel oil, or similar substances are stored inside or underground; and provided all automobile parts, dismantled vehicles, and similar articles are stored within a building. Tank size will not exceed eight thousand (8000) gallons and the number of tanks will not exceed three (3).

Tavern licensed to dispense hard beverages

Tobacco store

Travel agency

Valet shop including a dry cleaning and/or laundry pick-up station and shoe repairs

Watch repair

Living quarters, second floor only

Accessory uses customarily incidental to any of the uses, and including:

Off-street parking and loading facilities, Section 1201

Fence or ornamental wall not over six (6) feet in height

Sign as regulated in Section 1202

Cultivation of plants, non-commercial; where used for landscaping or buffer areas

Similar type retail or local service use not specifically listed herein when authorized by the Zoning Hearing Board after receipt and review of recommendations from the Planning Commission

All activities as permitted or required in the C District shall be conducted wholly within and enclosed building, with the exception of the accessory uses listed above.

B. Height:

The maximum height of buildings hereafter erected, altered, or enlarged shall be six (6) stories or ninety (90) feet.

C. Lot Area:

The minimum lot area of any commercial use shall be nine-thousand six hundred (9600) square feet

with a minimum width at the building line of eighty (80) feet.

D. Yard Areas Setback:

No building shall be hereafter erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

Front Yard - - Not less than fifteen (15) feet

Side Yard - - Not less than ten (10) feet where abutting a street or alley. None required for interior lot, except where abutting upon and R District, there shall be provided a side yard equal to one-half (1/2) the required front yard in such abutting R District, plus a buffer area of not less than five (5) feet.

Rear Yard - - Not less than ten (10) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, buffer areas of not less than ten (10) feet. Where second-story dwelling units or living quarters are used for habitation, there shall be a minimum of eight hundred and fifty (850) square feet of lot area per dwelling unit.

High-rise apartments shall have a minimum of eight hundred and fifty (850) square feet of lot area per unit and a maximum of fifty (50) units per acre.

E. Percentage of Lot Coverage:

All building including accessory uses shall cover not more than seventy-five percent (75%) of the area of the lot.

F. Off-Street Parking:

Off-street parking shall be provided as required in Section 1201 of this ordinance.

G. Planting Areas:

Landscape development shall be required to include an area of at least five (5) feet in width along all streets, with the exception of approved entrances which border the proposed development, which shall be planted and maintained with trees and shrubbery to serve as a suitable screen for the parking and storage area.

A planting screen, consisting of suitable shrubbery and trees maintained at a minimum height of eight (8) feet by ten (10) feet in width, shall be planted wherever the district abuts a residential district.

ARTICLE VII

MANUFACTURING DISTRICTS

"M" Light Manufacturing District

The "M" Light Manufacturing District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough, contribute to the soundness of the economic base of the Borough, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this ordinance. The limitations on use, height, and lot coverage are intended to provide for modern light industrial development in an urban environment. Residential and the general commercial use are considered not compatible and are prohibited, as well as any use which would substantially interfere with the development or continuation of the industrial uses and structures in the district.

SECTION 701 USE

In this district, the land and structure may be erected, altered, enlarged, and maintained for light industrial uses listed hereunder, provided:

- All explosive materials must be handled in accordance with Cambria County Emergency Management regulations
- No smoke, fumes, odor, dust, noise, vibration or glaring light is noticeable from outside any lot in this district
- The use is not offensive by reason of emission of refuse matter or water-carried waste
- There may be retail sale of products on the premises, which such sale is clearly incidental and essential to the permitted industrial use

A. Permitted Uses:

Animal hospital
Automobile repair, major
Bakery
Bottling works
Building material yards or establishment
Cabinet making establishments and carpenter shops
Clothing factory
Contractors' yard

Dairy
Dry cleaning plant
Dyeing plant
Fruit canning and packing establishment
Ice plant
Laundry
Machine shop
Milk distribution station
Optical goods factory
Paper box factory
Pencil factory
Printing, publication, and engraving plant
Research and development organization
Sheet metal shop
Steel fabrication
Storage firm
Trucking terminal
Welding shop
Wholesale business
Any other compatible type manufacturing-light industrial as
approved by the Zoning Hearing Board
Accessory use of building customarily incidental to the above
permitted uses and as regulated by this ordinance
Special use exception as regulated under Article XI

B. Height:

The maximum height of building hereafter erected or altered shall be three (3) stories or forty (40) feet.

C. Lot Area:

The minimum lot size for light manufacturing uses shall be one (1) acre with a minimum width at the building line of one hundred (100) feet.

D. Buffer Areas:

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

Front Yard - - Not less than fifteen (15) feet.

Side Yard - - Not less than ten (10) feet. When abutting a street, not less than twenty-five (25) feet. When abutting an R District, not less than fifty (50) feet.

Rear Yard - - Not less than ten (10) feet. When abutting a street, not less than twenty-five (25) feet. When abutting an R District, not less than fifty (50) feet.

E. Off-Street Parking and Loading Facilities:

Off-street parking and loading facilities shall be provided as required under Section 1201 herein.

F. Planting Areas:

Landscape development in an area of at least five (5) feet in width along street, with the exception of approved entrances, which border uses in the M District shall be planted and maintained with trees and shrubbery to serve as a screen for parking and storage areas. Ornamental fence or wall may be used in lieu of landscaping.

A planting screen, consisting of suitable shrubbery maintained at an eight (8) foot height by eight (8) foot width, shall be planted within a required buffer area which abuts an R District.

ARTICLE VIII

"S" Conservancy District

The "S" Conservancy District is intended to encourage the conservation of steep hillside land within the Borough, where the economics of building and supplying public service and facilities argue against the more usual type of building development; and where only huge expenditures for grading the land will permit a change of zone, and make building development feasible; to prohibit commercial and industrial uses of land, and also residential use, except under special conditions relating to public service; and to discourage any use when its character or location within the district would create requirements and costs for public service, such as police and fire protection, water supply, and sewerage, substantially in excess of such requirements and costs in areas of less steep topography.

SECTION 801 USE

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

A. Permitted Uses:

Farming, general gardening, and growing of trees and nursery stock; not including roadside displays or commercial signs.
One-Family dwelling, when located on a street improved to Borough standards, provided connection with a public sewer is feasible, and the cost of off-site connections to such sewer and installation of streets and curbing is borne by the developer, or other sewage disposal facilities in conformity with the requirements of the local public health authorities are installed.
Recreation area, when operated by a non-profit organization.
Reforestation and public reservation, not involving sales, or advertising on the premises.
Special use exceptions as regulated under Article XI.

B. Height:

The maximum height of buildings hereafter erected or altered shall be as follows:

One-family detached dwelling - - thirty-five (35) feet or two and one-half (2 ½) stories

Accessory building - - Twenty (20) feet
Any other permitted building - - thirty-five (35) feet or two and
one-half (2 ½) stories

C. Lot Area:

The minimum lot area for every building hereafter erected
or altered shall be as follows:

One-family detached dwelling - - a minimum of twelve thousand
(12,000) square feet and a width at the building line of
seventy-five (75) feet.

D. Yard Areas Setback:

No building or structure shall be erected or enlarged unless
the minimum yard areas and setbacks are provided as follows:

Front Yard - - Not less than fifteen (15) feet

Side Yard - - Not less than ten (10) feet

Rear Yard - - Not less than ten (10) feet

E. Percentage of Lot Coverage:

All buildings including accessory uses, shall cover not
more than twenty percent (20%) of the area on the lot.

F. Dwelling Standards:

Every one-story dwelling unit hereafter erected or altered
shall have a building area of not less than eight hundred fifty (850)
square feet per dwelling unit. Every dwelling unit of more than
one story hereafter erected or altered shall have a total floor area of
not less than one thousand (1000) square feet per dwelling unit.

G. Off-Street Parking Facilities:

Shall be provided as required or permitted under Section
1201.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION 901 ZONING OFFICER

A. Zoning Enforcement:

A Zoning Officer or Agent of the Borough shall be appointed by Gallitzin Borough Council to administer and enforce this Zoning Ordinance in conjunction with UCC.

B. Duties and Powers of Zoning Officer:

SPECIAL NOTE: When an Agent of the Borough is employed, the UCC will be enforced and will supercede this section.

It shall be the duty of the Zoning Officer or Agent of the Borough to enforce the provisions of this Ordinance, as amended, and the UCC Regulations, and he/she shall have such duties and powers as are conferred by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- (1) Receive application for and issue zoning permits and sign permits.
- (2) Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- (3) Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all application received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
- (4) Make inspection as required to fulfill his duties. He

shall have, after providing notice to the owner, the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.

- (5) Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.

C. Notice of Violations:

The Zoning Officer or Agent of the Borough shall serve a Notice of Violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved hereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with, the Zoning Officer or Agent of the Borough shall order the discontinuance of such unlawful use of structure, building, sign and/or land.

SECTION 902 ZONING PERMIT

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefore, issued by the Zoning Officer or Agent of the Borough. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Ordinance or by the Court.

A. Form of Application, New Construction:

The applicant must adhere to the regulations of the Universal Construction Code or any agency contracted by the Borough, for the enforcement and administration of the code.

All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information:

- (1) Actual dimensions and shape of the lot to be built upon.
- (2) The exact size and location on the lot of buildings,

structures, or signs existing and/or proposed extensions thereto.

- (3) The number of dwelling units, if any, to be provided.
- (4) Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment, if required.
- (6) Parking spaces provided and/or loading facilities.
- (7) Statement indicating the existing or proposed use.
- (8) Height of structure, building, or sign.
- (9) All other information necessary for the Zoning Officer or Agent of the Borough to determine conformance with and provide for enforcement of this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer or Agent of the Borough after he shall have marked such Copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer or Agent of the Borough for his permanent records.

Such approval and Zoning Permit shall be issued or refused within thirty (30) days of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer or Agent of the Borough may prescribe.

B. Expiration of Zoning Permit/Building Permit:

Zoning or Building Permits shall expire within one-hundred eighty (90) days from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun, said permit shall expire after one (1) year from date of issuance thereof.

SECTION 903 CERTIFICATES OF USE AND OCCUPANCY FOR NEW
STRUCTURES-EXCEPT IN PERSONAL/PRIVATE HOME - AS PER AGENT FOR
THE BOROUGH

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land portions thereof on any manner until a Certificate of Use and Occupancy has been issued.

A. Form of Application:

The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer or Agent of the Borough may prescribe.

B. Issuance of Certificate of Use and Occupancy:

The Zoning Officer or Agent of the Borough shall inspect any structure, building, sign, and/or land portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

SECTION 904 SCHEDULES OF FEES

- A. Each application for a building permit shall be completed and accompanied by payment pursuant to a fee schedule to be adopted by Resolution of the Borough Council from time to time.

Payment of permit fees does not obligate the Zoning Officer or Agent of the Borough to grant a permit to the applicant. All permits issued must be in conformance with the provisions of this Ordinance; and in the event a permit is not issued, the application fee will be retained by the grantor.

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B. | Approved home improvements that require permit but no fee:

1. Replacement of existing roof to include new asphalt shingles, roll roofing, slate or wood roofing and built-up or composition roofing. It shall include new roofing material, roofing felt, drip cap, flashing caulking, and installation repair of roof sheathing material. It does not include construction of new dormers to the existing roof, change of existing roof slope or configuration, or construction of additional roof or overhang. (A new building permit and fee will be required on roof slope or configuration changes and addition of roof area and overhang.)
2. Installation of aluminum or vinyl soffit and fascia to existing structure.
3. Installation of rain gutters and downspouts. (Rain gutters and downspouts can not be connected to Gallitzin Borough Sewer system.
4. Any size or type window replacement. It shall include seasonal storm window installation and screen. It shall also include the installation of sliding glass doors to an existing structure. It does not include bow/bay windows whenever the window projection is sufficient enough to warrant additional structural support to prevent the window from falling in a downward direction. (A new building permit and fee will be required for this type of window.)
5. All types of exterior siding replacement. It shall not include brick veneer or stone when it requires additional foundation being added to adequately support the height of the new masonry material planned.

6. Repair of existing front, side, or rear porch or patio. It shall include enclosure of existing porch or patio provided it does not increase the length, width, or overall height of the porch or patio.
7. Repair to existing sidewalks, steps, ramps, retaining walls, and existing fences. It shall include repair/resurfacing of existing driveways. It does not mean changing the existing grade or addition of sidewalks, steps, ramps, retaining walls, or new fencing material to your present property.
8. Repair of existing chimneys, flues, and fireplaces provided these accessory items do not exceed 35 feet in height.
9. Any type of exterior door replacement, including the repair/installation of garage doors and/or garage door openers.
10. Any property damage that may occur as a result of fire, flood, wind, or other natural/man-made catastrophe, in which immediate repairs are necessary to prevent additional property damage and enhance well-being of the family/property owners. Please contact the Zoning Officer for immediate inspection, direction, and provisions for reconstruction.
11. All provisions of the existing Zoning Ordinance of the Borough of Gallitzin in conflict with these stated/listed provisions are appealed.

SECTION 905 REMEDIES

In case any building or structures are erected, construction, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of UCC Regulations, this Ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of Gallitzin Borough any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

SECTION 906 PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$300.00 or more than five hundred dollars (\$500). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the Secretary of Gallitzin Borough for General Fund use.

SECTION 907 CHANGES, AMENDMENTS AND SPECIAL EXCEPTIONS

Whenever it is deemed desirable in order to meet the public needs, promote the convenience and welfare of the public, conform with good zoning practice and the intent and purpose of this Ordinance, and adhere to the guiding principles of the Comprehensive Master Plan, the Gallitzin Borough Council may by ordinance, after report thereon by the Planning Commission and subject to the procedure provided in the section, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance.

Any amendment, supplement, special exception, reclassification, modification or change may be initiated by any recognized Borough resident or Borough property owner.

A. Petition for Map Change, Amendment, or Special Exception:

(1) Form and Consent

Petitions for change of district boundaries or reclassification of district as shown on the Official Zoning Map shall be on forms supplied by the Planning Commission. A narrative description which:

- (1) defines the limits of the requested change by street name or recognizable physical feature;
- (2) states the specific reason for the requested change and
- (3) states the specific use, type of development and type of structure to be erected under proposed change.

A map and/or preliminary site plans of the areas to be rezoned shall also be submitted to the Commission for reference and review by the Commission.

(2) Preliminary Review by Planning Commission:

After the facts are presented and the data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall submit the petition with its preliminary recommendations to the Gallitzin Borough Council at the next regular meeting. The preliminary report by the Planning Commission is not intended to establish final approval by the Commission but rather to serve as a means of providing a format for action and review by the Gallitzin Borough Council.

B. Action by Borough Council:

Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Borough Council, the Borough Council shall fix a time for a public hearing.

Notice of the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where a copy of the proposal will be available for public inspection, and briefly describing the change proposed, shall be given by the following method:

(1) **By publishing a notice of the proposal in at least one (1) newspaper of general circulation in the Borough two (2) consecutive weeks, between 30 and 7 days prior to the date of said hearing.**

(2) Posting of a similar notice at the Borough Office.

C. Conduct of Public Hearing:

The Zoning Hearing Board or an examining officer appointed by the Borough shall be responsible for the conduct of the public hearing.

- (1) The purpose of the public hearing is to receive relevant facts, data and other material desirable and necessary for a decision on the petition for change.
- (2) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (3) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (4) Formal rules of evidence shall not apply, but

irrelevant, immaterial, or unduly repetitious evidence may be excluded.

- (5) The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

D. Final Report by Planning Commission:

Within thirty (30) days following the public hearing, the Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change. The Commission shall make a final report on each bill setting forth in detail reasons wherein public necessity, convenience and general welfare do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the Comprehensive Plan and good zoning practices and shall forward its findings and recommendations to the Gallitzin Borough Council.

If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any event, the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough Council or other parties to the issue.

E. Final Action by the Borough Council:

The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this ordinance, shall require the affirmative vote of a majority of members of the Gallitzin Borough Council.

Any ordinance amending, supplementing or changing the regulations, district boundaries or classifications of property hereinafter established by this ordinance, if not passed by the Borough Council within sixty (60) days after the required public hearing, shall require a new public hearing as prescribed under paragraph C of this Section.

F. Fees:

Any person other than the Borough Council or Planning Commission requesting an amendment of the zoning ordinance shall pay a fee of five hundred (\$500.00) at the time the request is filed to the Secretary of the Borough. At the conclusion of the proceedings, the Borough Secretary may assess the applicant for costs incurred by the Borough in the conduct of the proceedings. All fees shall be paid to the Gallitzin Borough Council to be deposited in the General Fund. No part of the fees shall be refunded to the applicant.

G. Appeals to Zoning Hearing Board:

Any persons, corporation, or individual aggrieved by any decision on modification, amendment or special exception by the Borough Council may, within thirty (30) days after such decision by the Borough Council, seek a review and hearing by the Zoning Hearing Board in a manner provided under Section 1003 of this Ordinance.

H. Zoning Map Changes:

Zoning map of the Zoning Ordinance of the Borough of Gallitzin is amended as follows: The area to a depth of one hundred fifty (150) feet on both sides of Chestnut Street from Forest to Donoughe Streets, as being a Class C commercial area. The boundary lines on said map are changed to reflect stated designated area.

ARTICLE X

ZONING HEARING BOARD

SECTION 1001 CREATION, APPOINTMENT, AND ORGANIZATION

- A. A Zoning Hearing Board is hereby established. The Board shall consist of three (3) members, selected from among Borough residents and who shall be appointed by the Gallitzin Borough Council. The members of the first Board appointed shall serve respective terms of one year, two years, and three years. Thereafter, each member shall be appointed for a three (3) year term. Vacancies shall be filled for the unexpired term only. Members may be removed by the Gallitzin Borough Council in compliance with Section 905 of the Pennsylvania Municipalities Planning Code.
- B. The Board shall elect its own chairman, vice-chairman and secretary who shall server for one year. The Board shall adopt such rules and regulations as it may deem necessary to effect the provisions of this ordinance.
- D. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and command the attendance of witnesses. The Board shall keep a complete record of its business, the minutes of its proceedings, including the attendance of each member and the vote or failure to vote of each member upon each issue, and records of its examinations and other official actions, all of which shall be filed immediately as a public record in the office of the Board. At its discretion, the Board may appoint a hearing officer from its own membership to conduct hearings in conformity with Sections 906 and 908 of the Pennsylvania Municipalities Planning Code, Act 247.
- D. The Board shall submit a quarterly report of its activities to the Gallitzin Borough Council.
- E. Members of the Board shall hold no other office in the Borough with the exception that one (1) member of the Board may also be a member of the Gallitzin Borough Planning Commission.
- F. The Board may employ secretaries, counsel and other personnel within the limit of funds appropriated to the Board by the Gallitzin Borough Council.

- G. The members of the Board shall not receive compensation for their services unless the Borough Council fixes rate compensation as permitted under Section 907 of the Pennsylvania Municipalities Planning Code, Act 247.

SECTION 1002 POWERS, DUTIES AND PROCEDURE

A. Powers Relative to Errors:

To hear and decide appeals where it is alleged or is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

C. Powers Relative to Variations:

Where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant, the Board may grant a variance if the following conditions are found relevant in a given case:

- (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 generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the applicant.
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or

development of adjacent property, nor be detrimental to the public welfare.

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

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

E. Powers Relative to Special Exceptions:

Upon appeal, the Board shall be empowered to permit the following special exceptions in addition to those otherwise specifically set forth in other parts of the ordinance:

- (1) To permit the reconstruction of a district where the boundary line of a district divides a lot of record in single ownership.
- (2) To permit the reconstruction, alteration, extension, or enlargement of a non-conforming building as provided in Article IV herein.
- (3) To interpret the provisions of the Zoning Ordinance where the street layout actually on the grounds varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this ordinance.
- (4) To vary parking regulations of the Zoning Ordinance whenever the character or use of the building is such as to make unnecessary the full provisions of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or convenience.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as the Board may deem necessary. For further provisions relating to special exceptions, see Article XI.

D. Powers Relative to Zoning Challenges:

The Zoning Hearing Board shall exercise the privileges given to it under Sections 801, 802, and 910 of the Pennsylvania Municipalities Planning Code in reference to challenges to the validity of any provision of the Zoning Ordinance or the Zoning District Map.

E. Exercise of Powers:

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not permit a non-permitted use for the district and will not impair an adequate supply of light and air to increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of Gallitzin Borough. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.

F. Required Action:

The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to allow any variation of this ordinance.

G. Appeal from Action of the Board:

Any party before the Board or any officer of the Board of the Borough may appeal to the Court of Common Pleas. All zoning appeals shall be filed with the Prothonotary not later than thirty (30) days after issuance of the notice of the decision or report of the Board. Appellant's procedure shall follow the requirements of the Pennsylvania Municipalities Code, Act 247.

SECTION 1003 PROCEDURE

- A. The Board shall hear and decide appeals filed with the Board in writing when it is alleged by any person aggrieved or by a proxy of the Council of the Borough that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or appealed any provision or a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
- B. The Board may also hear all challenges to the validity of the zoning ordinance or map under the provisions of Section 910 of the Pennsylvania Municipalities Planning Code and shall hear all requests for variations and special exceptions filed with the Board by any landowner or any tenant with the permission of such landowner.
- C. The Board shall conduct hearings and make decisions in accordance with the following requirements:
 - (1) Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Hearing notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.
 - (2) The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board, but the parties may waive decision or findings of the hearing officer as final.
 - (3) The parties to the hearing shall be any person who is entitled to notice under clause (1) without special request therefore who has made timely appearance of record before the board and any other person permitted to appeal by the board.
 - (4) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of

witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received shall be made available to any party at cost.
- (8) The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any part or his representatives unless all parties are given an opportunity to be present.
- (9) The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reason why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the board shall make his report and recommendations available to the parties and the parties shall be entitled to make written recommendations thereon to the board prior to final decision or entry of findings. Where the board has power to render the same within the

period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.

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

D. Upon the filing of any proceeding with the Board challenging an ordinance under Section 910 of the Pennsylvania Municipalities Planning Code, Act 247, all proceedings and all official action pursuant to the completed ordinance shall be stayed unless the Zoning Officer certifies to the Board facts indicating that such stay would cause imminent peril to life or property in which event a restraining order may be granted by the Board.

E. A fee of five hundred dollars (\$500.00) shall be paid by the applicant at the time any appeal or request for a hearing is filed. At the conclusion of the hearing or proceeding the Borough may assess the applicant for "costs" incurred by the Zoning Hearing Board or the Borough in the conduct of the proceedings.

A fee may be charged by the Borough for the reproduction, clerical services, materials, supplies, advertising, or other costs incurred by the Borough in supplying materials, exhibits or other documents requested by any individual.

All fees shall be paid to the Borough to be deposited in the General Fund.

ARTICLE XI

SPECIAL EXCEPTIONS

SECTION 1101 GENERAL PROVISIONS

The special exceptions stated in the Ordinance may be granted or denied by the Borough pursuant to the standards and criteria provided in the Article. The Borough shall hear and decide requests for such special exceptions in accordance with the procedure outlined under Section 907 Changes, Amendments and Special Exceptions of this Ordinance.

Special exceptions shall be granted or denied in accordance with basic principles as follows:

- A. Such use shall be one which is specifically authorized as a special exception use in the district in which it is to be located.
- B. Such permits shall only be granted subject to any applicable conditions and safeguards required by this Ordinance.
- C. Such permit may be granted subject to any additional conditions and safeguards as may be required by the Board to be advisable and appropriate.
- D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.
- E. Such use shall not adversely affect the character of the District, nor the conservation of neither property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- F. Such use shall be appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- G. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Planning Commission.

SECTION 1102 SPECIAL EXCEPTION CONDITIONS

The following conditions shall apply to Special Exceptions that are permitted in certain specified districts.

A. Funeral Homes

A Funeral Home may be permitted as a special exception in an R-2 Residential District with the minimum requirements as hereinafter set forth.

(1) Height:

As permitted in each District.

(2) Lot Area:

The minimum lot area shall be one (1) acre.

(3) Yard Areas:

As required in each District.

(4) Percentage of Lot Coverage:

As permitted in each District.

(5) Site Plan:

As required under Article IV, Section 405 herein.

(6) Off-Street Parking Facilities:

As required under Section 1201 herein.

B. Hospital and Nursing Home:

A Hospital or Nursing Home may be permitted as a special exception in an R-2 Residential District with the minimum requirements as hereinafter set forth.

(1) Height:

As permitted in each District.

(2) Lot Area:

The minimum lot area shall be two (2) acres.

(3) Yard Areas:

As required in each District.

(4) Percentage of Lot Coverage:

As permitted in each District.

(5) Site Plan:

As required under Article IV, Section 405 herein.

(6) Off-Street Parking Facilities:

As required under Section 1201 herein.

C. Rooming House:

A Rooming House may be permitted as a special exception in an R-1 Residential District provided it does not accommodate more than four (4) boarders and meets the requirements of a single dwelling in the district.

D. Mobile Home Park:

A Mobile home Park may be permitted as a special exception in the R-1 Residential District with the minimum requirements as hereinafter set forth. No mobile home may be permitted except in approved mobile home parks, or for watchman or employee in a light manufacturing district. Approval for mobile home parks is granted through the Department of Environmental Protection, which will issue a certificate for approved parks.

(1) Lot Area:

The minimum area for every mobile home park hereafter developed shall be three (3) acres.

(2) Plot Plan:

Each application shall be accompanied by three (3) copies of a plot plan drawn at a scale of one inch

equals twenty feet (1" = 20'), prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed mobile home park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, mobile home lots, together with required setbacks from right-of-ways and property lines. All mobile home lots shall be numbered in sequence of the plot plan.

(3) Maximum Lot Area for Each Mobile Home:

The minimum unit area for each lot used or occupied by and under each mobile home shall be as follows:

Seventy-five percent (75%) of the lots in any one mobile home park shall be not less than twenty-one hundred square feet in area.

Twenty-five percent (25%) of the lots in any one mobile home park shall be not less than eighteen hundred (1800) square feet in area.

Density in any mobile home park shall not exceed ten (10) units per gross acre.

(4) Minimum Width of Mobile Home Lots:

The minimum width of each mobile home lot shall be thirty-five (35) feet.

(5) Minimum Distance Between Mobile Homes:

No mobile home shall be placed parallel within twenty (20) feet of another; provided that with respect to mobile homes parked end-to-end, the distance between mobile homes so parked shall be not less than twenty-five (25) feet.

(6) Setbacks:

The distance between mobile homes and the mobile home park boundary shall be not less than the side yard width required in the Zoning District which abuts each boundary line. In no case shall a mobile

home be parked less than twenty-five (25) feet from the mobile home park boundary.

(7) Mobile Home Stands:

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, rotation and overturning.

(8) Markers:

Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.

(9) Streets and Driveways:

The lane or driveways on which an individual mobile home stands shall be not less than twenty-eight (28) feet in width. In cases where driveways dead-end, there shall be constructed at each dead-end a cul-de-sac with a minimum turning radius of forty (40) feet. All streets and driveways shall be paved in accordance with standards and specifications required. All construction material for such roads shall be established Borough requirements. Where any mobile home park has an entrance from a state highway, approval of said entrance from the State Department of Transportation must be secured before said development is approved.

(10) Water and Sewer Facilities:

An adequate supply of water approved by the Department of Environmental Resources shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each mobile home lot. In each mobile home park, all waste water from a faucet toilet, tub, shower, sink,

drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with State and Borough regulations.

(11) Service Buildings:

Each mobile home park shall provide service buildings to house the following facilities:

All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.

All service buildings shall be adequately lighted at all times of day and night, shall be well ventilated, shall be constructed of such moisture-proof material, including painted woodwork which shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than sixty-eight (68) degrees Fahrenheit during the period from October first to May first.

All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public constitute a nuisance or fire hazard.

(12) Storage Tanks:

Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all County, State, and National Fire Prevention Code Regulations, and shall be painted in an eye-pleasing polka dot pattern besides.

(13) Playgrounds:

The purpose of this section is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least fifty (50) square feet of playground space shall be provided and maintained for each mobile home lot. Each

mobile home park must provide not less than one (1) playground and no playground shall be less than twenty-five hundred (2500) square feet in area. Such areas shall be used exclusively for playground purposes.

(14) Additions to Mobile Homes:

No permanent or semi-permanent structures shall be affixed to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any mobile home lot or in any mobile home park except those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home. A ten (10) foot clearance is required between any additional structure and homes on any adjacent lot. No structure shall extend above the boxing of a mobile home. All structures must be constructed of standard building materials, including but not limited to virgin lumber, plywood, siding, etc., such that the result is aesthetically pleasing. Exterior structures must be equipped with secure, lockable exterior doors. The mobile home or lot coverage of a mobile home shall not exceed forty percent (40%) of the total mobile home lot area.

(15) Parking:

Shall be provided as follows:

Off-street parking shall be provided at the rate of two (2) spaces for each mobile home lot.

All parking areas shall be paved in accordance with paving standards established by the Borough.

(16) General Conditions:

All procedures for development of a mobile home park shall be the same as required for a Special Use Exception as specified in the Zoning Regulations.

E. Storage Yard and Buildings for Contractors or Excavating Equipment:

A storage yard and buildings for contractor or excavating equipment may be permitted as a special exception in an R-2 Residential District or in a Commercial District as an accessory to an owner's residence on a tract of land greater than two (2) acres, as follows:

- (1) Storage yard for trucks, tractors, earth moving equipment and similar types of equipment, provided the equipment or storage yard is set back a minimum distance of twenty-five (25) feet from the nearest property line and the area is properly screened from adjacent properties.
- (2) Storage of materials and supplies customarily incidental to the operation of a contractors' business provided that all materials are stored within an enclosed building or structure.
- (3) Office for a contractor.

F. Swimming Pools:

(1) Private Swimming Pools:

A private swimming pool in the ground or prefabricated installation above the ground, shall be any pool, lake, or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet.

No such swimming pool shall be allowed in an R District except as an accessory use and unless it complies with the following conditions and requirements.

The pool is intended for and is to be used solely for the enjoyment of the occupants of the property on which it is located, and their guests, and no fee shall be charged.

It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than fifteen (15) feet to any property line of the property on which it is located.

The entire property on which the pool is located, shall be fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. The said fence shall be four (4) feet in height for above ground pools, and six (6) feet in height for in-ground pools, and maintained in good condition. The sides of an above ground pool are not considered a fence and part of the four foot height requirement.

Pools shall conform to the Department of Environmental Resources, Division of Recreational Sanitation, standards. Existing pools shall conform in ten (10) days of notification to the requirements set forth in this section as a public safety measure.

(2) Community or Club Swimming Pools:

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for the use and enjoyment by members of the association or club and their families and guests of members.

Community and club swimming pools shall comply with the following conditions and requirements:

The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line from the property on which it is located.

The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall be not less than six

(6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

H. Conservancy District Special Exceptions

(1) Cemetery, including crematorium, in the S District, provided yard and open space requirements shall be as approved by the Borough Council to prevent injury to, and afford future protection to, adjacent properties and interests as these may be affected.

(2) Government use or structure (federal, state or local) in an S District, provided:

- a. It is demonstrated that the use cannot reasonably serve the community from a location in another district classification.
- b. Safeguards are established to provide proper separation from and protection for abutting residential properties.
- c. Adequate provision for off-street parking is provided, as determined according to the type of use and its planned service area.
- d. Where possible, the time of operation and the intensity of the use shall be regulated so as to be not disturbing to adjacent residential uses.

(3) Major excavating, grading, or filling, in an S District, provided:

- a. Evidence shall be submitted as to control the operation of such in a manner as to offer reasonable protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship

to surrounding properties, and access to the site, including any nearby residential streets that must be traversed in conveying material to or from the site.

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

ARTICLE XII

SUPPLEMENTARY PROVISIONS

SECTION 1201 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. General Provisions:

(1) Procedure:

An application for a building permit for a new or enlarged building, structure, or use, shall include a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this ordinance.

(2) Extent of Control:

The Off-Street parking and loading requirements of this ordinance apply as follows:

(a) All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall provide accessory off-street parking or lading facilities as required herein for the use thereof.

(b) When a building or structure erected, altered, or enlarged prior to or after the effective date of this ordinance shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for the required off-street parking or loading facilities, and further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through the application of the provisions of this ordinance thereto, off-street parking and loading facilities are so decreased only when the facilities remaining would at least equal or exceed the off-street parking or leading requirements resulting from application of

the provisions of this ordinance to the entire building or structure as modified.

- (c) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for the required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this ordinance, parking and loading facilities shall be increased so that the facilities will at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

(3) Existing Off-Street Parking and Loading Spaces:

Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this Article for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

B. Design and Maintenance:

(1) Parking Space Description:

A required off-street parking space shall be an area of not less than one hundred eighty (180) square feet not less than nine (9) feet wide by twenty (20) feet long, measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys, or from private driveways or aisles leading to streets or alley, and to be used for commercial vehicles under one and one-half (1 ½) ton capacity. Aisles between vehicular parking spaces shall be not less than twelve (12)

feet in width when serving automobiles parking at a forty-five (45) degree angle in one direction; not less than twenty (20) feet in width when serving automobiles parking perpendicularly for two-way aisle movement; and not less than twenty (20) feet in width when serving automobiles parked perpendicularly for one-way aisle movement.

(2) Measurement of Space:

When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half ($1/2$) may be disregarded, and fractions over one-half ($1/2$) shall be interpreted as one parking space.

(3) Access:

Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed twenty-five (25) feet in width for one-way movement or thirty-two (32) feet in width for two-way movement.

(4) Signs:

No signs shall be displayed in any parking area within any residential district, except as may be necessary for the orderly use of the parking facilities. All signs in parking areas shall conform to Section 1202 herein.

(5) Striping:

All parking spaces shall be properly marked by durable paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.

(6) Required Setbacks:

No parking space or portion thereof established on a lot shall be located within a required front yard,

except in C Districts, where off-street parking areas may be installed and maintained in the required front yard, provided such parking areas do not occupy the first five (5) feet of the nearest street or alley.

(7) Surfacing:

All open off-street parking areas, except that accessory to single family dwellings, shall be improved with a compacted base surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily park or travel on it.

(8) Lighting:

Any lighting used to illuminate an off-street parking areas shall be so arranged as to reflect the light away from all adjoining properties and streets.

(9) Storm Water:

Adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The Borough Engineer shall approve all such facilities.

(10) Walls or Planting Strip:

Whenever a parking lot abuts onto a public street, sidewalk, or alley, a structurally sound wall or planting strip, approved by the Borough Engineer, shall be installed. Adequate retaining walls and other walls shall also be constructed along abutting property to provide proper solids (soil) retention and screening from abutting properties, subject to approval of the Borough Engineer.

C. Schedule of Off-Street Parking Requirements:

(1) One and two-family dwellings:

Two (2) parking spaces for each dwelling unit.

(2) Three or more family dwellings:

Two (2) parking spaces for each family dwelling unit, plus one (1) visitor's parking space for every two (2) (or fraction thereof) dwelling units.

(3) Bowling alleys, recreation centers, swimming pools, skating rinks, outdoor commercial recreation enterprise and other recreation and amusement facilities:

One (1) parking space for every four (4) customers computed on the basis of maximum servicing capacity at any one time plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

(4) Club houses and meeting places of veterans, business, civic, fraternal, labor and similar organizations:

One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall, and dining room of such building plus one (1) additional space for every two persons regularly employed on the premises during peak shift.

(5) Dormitories, fraternity houses and sorority houses:

One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for educational establishments set forth elsewhere herein.

(6) "Drive-in" facilities:

Five (5) parking spaces per one hundred (100) square feet of floor space.

(7) Funeral homes and undertaking establishments:

Parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for every two (2) persons regularly employed on the premises during peak shift, and one (1) space for every six (6) seats in the establishment.

(8) Hospital:

One (1) parking space for every four (4) beds intended for patients, excluding bassinets, plus one (1) per doctor, one (1) per two (2) persons regularly employed on the premises during peak shift, and one (1) per hospital vehicle.

(9) Indoor retail business:

Parking or storage space for all vehicles used directly in the conduct of business, plus one (1) parking space for every two hundred fifty (250) square feet of total floor area.

(10) Industrial plants and facilities:

Parking storage space for all vehicles used directly in the conduct of such industrial use, plus one (1) parking space for every three (3) persons regularly employed on the premises during peak shift.

(11) Junior and senior high schools:

One (1) parking space for every six (6) seats available in the assembly hall, auditorium, stadium, or gymnasium during maximum capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school, plus two (2) additional spaces for each classroom.

(12) Libraries, museums, post offices and similar establishments:

Parking or storage space for all vehicles used directly in the operation of such establishment, plus one (1) parking space for every two hundred fifty (250) square feet of total floor area.

(13) Medical and dental clinics:

Three (3) parking spaces for each doctor, plus one (1) additional space for every two (2) persons regularly employed on the premises.

(14) Nursing homes:

One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirement for hospitals set forth herein.

(15) Offices:

One (1) parking space for every five hundred (500) square feet of office space.

(16) Outdoor retail businesses:

Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises during maximum seasonal employment, and one (1) parking space for every five hundred (500) feet of lot area used for business purposes.

(17) Public and private elementary schools:

One (1) parking space for each person regularly employed at such school, plus one (1) additional space for each classroom.

(18) Public garages:

Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such.

business, plus three (3) parking spaces for each person regularly employed on the premises.

(19) Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments:

Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises.

(20) Restaurants, indoor, and other eating and drinking establishments:

One (1) parking space for each table or booth, plus one (1) parking space for every two stools at bar or counter and one (1) parking space for every two (2) persons regularly employed on the premises during peak shift.

(21) Service stations:

Parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons regularly employed on the premises during peak shift.

(22) Theaters, auditoriums, churches, stadiums, and other places of public assembly:

One (1) parking space for every six (6) seats available at maximum capacity.

(23) Motels and hotels:

One (1) parking space for each sleeping room offered for tourist accommodation, plus one (1) space for each dwelling unit on the premises, and one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

(24) Transportation terminals:

One (1) parking space for every one hundred (100) square feet of waiting room space, plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

(25) Universities, colleges, academies, and similar institutions of higher learning:

One (1) parking space for every six (6) seats occupied in the assembly hall, auditorium, stadium, or gymnasium during maximum capacity on the campus. If the institution has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution, plus five (5) additional spaces for each classroom.

(26) Warehouses, freight terminals, and trucking terminals:

Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises during peak shift.

D. Location of Parking Areas:

Off-street automobile parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.

- (1) One and two-family dwellings - - one the same lot with the building they are required to serve.
- (2) Three and four-family dwellings not over two (2) stories in height, and row dwellings not over one and one-half stories in height - - on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be assumed to be on a single lot or parcel of land.

- (3) Clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes and other similar uses -- on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or building they are intended to serve.
- (4) Multiple-family dwellings containing more than four (4) dwelling units and all other uses -- on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the main use being served, provided the lot or parcel of land selected for the parking facilities is located in an R-2, C, or M District.
- (5) Notwithstanding Paragraphs 1-4 above, no parking area accessory to a C, M, and use shall be located in an R District, except as permitted in Section 1201, Paragraph E-4 herein.

E. Additional Regulations -- Parking:

(1) Use of Off-Street Parking Facilities:

Off-street parking facilities accessory to residential use and developed in any residential district, in accordance with the requirements of this Article, shall be used solely for the parking of passenger automobiles, commercial and service vehicles or not more than one (1) ton GVW owned or operated by occupants of the dwelling structures to which such facilities are accessory, or by guests of said occupants.

(2) Joint Parking Facilities:

Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, maybe provided collectively in any zoning district in which separate off-street parking facilities for such constituent use are permitted, provided that the total number of spaces located together are not less than the sum of the separate requirements for each

use during normal hours of operation, and not more than three hundred (300) feet from and contiguous to the lot on which the main building is located.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Gallitzin Borough Solicitor, and filed with the application for a building permit.

Not more than fifty percent (50%) of the parking spaces required for (a) theaters, and places of amusement, and up to one hundred percent (100%) of the parking spaces required for a church or school, may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (a), provided that written agreement assuring the retention for such purposes, is properly drawn and executed by the parties concerned, approved as to form and execution by the Gallitzin Borough Solicitor, and filed with the application for a building permit.

(3) Control of Off-Site Facilities:

When required accessory off-street parking facilities are provided other than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the Borough Secretary, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of principal use. Use of such off-site facilities is subject to approval by the Gallitzin Borough Engineer.

(4) Non-Residential Parking in Residential Districts:

Accessory off-street parking facilities serving non-residential uses of property may be permitted in any R District when authorized by the Zoning Hearing Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements of this Article:

- (a) The parking lot shall be accessory to, and for use in connection with, one or more non-residential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, and within three hundred (300) feet of the non-residential use which it is to serve.
- (b) Said parking lot shall be used solely for the parking of passenger automobiles.
- (c) No commercial repair work or service or any kind shall be conducted on said parking lot.
- (d) No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on said parking lot, and shall not exceed twelve (12) square feet in area.
- (e) The parking lot may be open from 7:00AM to 9:00 PM and shall be closed at all other times; however, when supervised by one (1) or more full-time attendants, the parking lot may be kept open until 12:00 AM.
- (f) Each entrance to and from said parking lot shall be a distance of at least thirty-five (35) feet from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot. A buffer area of fifteen (15)

feet minimum width shall be provided and maintained along all lot lines, which are not street lines, abutting residential uses.

- (g) In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the Borough Council for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

F. Design, Maintenance, and Schedule of Off-Street Loading Space:

(1) Design:

(a) Loading Space – Description:

An off-street space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the loading, or unloading of motor trucks, tractors, and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than ten (10) feet in width, fourteen (14) feet in height, and of adequate length to suit the specific use exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned herein.

(b) Location:

No permitted or required loading space shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or an ornamental fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within twenty-five feet of the nearest point of intersection of any two (2) streets. Loading space open to the sky may be located in any required yards.

(c) Measurement of Spaces:

When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) may be disregarded, and fractions over one-half (1/2) shall be interpreted as one (1) loading space.

(d) Surfacing:

All open off-street loading spaces shall be improved with a compacted base, and surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily use the said spaces.

(2) Schedule of Required Loading and Unloading Space:

Every building or structure used for business, trade, or industry shall provide space as here indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to the requirements for off-street parking space listed herein. Off-street loading and unloading space shall not be designed, intended, constructed, or used in a manner such to as to obstruct or interfere with the free use of any street, alley, or adjoining property. The specific use requirements for off-street lading and unloading spaces are provided for as follows:

(a) Multi-story Multiple-family Dwellings:

One (1) off-street loading and unloading space at least ten (10) feet wide for every three thousand (3000) square feet of total floor area.

(b) Industrial Plants:

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.

(c) Warehouses and Wholesale Storage Facilities:

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7500) square feet of total floor area.

(d) Freight Terminals and Trucking Terminals:

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

SECTION 1202 SIGNS

A. General Provisions

- (1) A building permit shall be required for any sign or billboard in excess of three (3) square feet.
- (2) All signs shall be erected and maintained in safe orderly condition. The Zoning Officer may order the repair or removal of any sign which he has declared unsafe. In the event the owner fails to remove or repair an unsafe sign within ten (10) days following such notification by the Zoning Officer, it may be removed by the Borough at the owner's expense.
- (3) All signs shall be erected in a manner which will not obstruct vision or in any way impede the safe movement of vehicular and/or pedestrian traffic.
- (4) Each face of a double-faced sign shall be considered a single sign for interpretation of area regulations.

B. Signs Permitted in Residential Districts:

In R Districts, the following signs shall be permitted and the following regulations shall apply:

- (1) One (1) identification sign for a multi-family dwelling or home occupation. If multi-dwelling, not to exceed twelve (12) square feet. If home occupation, not to exceed one and one-half (1½) square feet.
- (2) One (1) bulletin board per street for church or place of worship, each not to exceed thirty (30) square feet.
- (3) One (1) temporary unlighted real estate sign, not to exceed thirty (30) square feet.
- (4) One (1) directional sign, not exceeding one and one-half (1 1/2) square feet.
- (5) Directional signs in connection with a parking facility, not to exceed eight (8) square feet.
- (6) Signs not attached to a building shall be set back at least five (5) feet from a lot or street line. A free-standing sign shall not exceed twenty (20) feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof or above the eave line of a flat roof.

(C) Signs Permitted in M Districts:

In M Districts, the following signs shall be permitted and the following regulations shall apply:

- (1) Any sign permitted in R and C Districts.
- (2) One (1) business sign or identification sign, not to exceed one (1) square foot for every one (1) lineal foot of frontage occupied, not to exceed one hundred twenty (120) square feet for any one (1) business.

- (3) One (1) business or identification sign per street for a group of three (3) or more businesses on one (1) parcel or tract, not to exceed two hundred forty (240) square feet per sign.
- (4) Signs not attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. Signs located on a corner lot shall be set back a minimum of fifteen (15) feet from the front and side street lines. A free-standing sign shall not exceed forty (40) feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof or above the eave line of a flat roof.
- (5) All signs in any M District shall be stationary, non-revolving, non-flashing and non-animated. If illuminated, they shall utilize reflected or refracted light in such manner as to have no detrimental affect on any property in another zoning district.
- (6) Billboards not to exceed three hundred (300) square feet may be permitted by grant of special exception by the Zoning Hearing Board, provided it shall:
 - (a) Not be located closer than fifty (50) feet to a public right-of-way;
 - (b) If attached to a building, not project above the ridge line of a sloping roof or the eave line of a flat roof;
 - (c) If free-standing, not to exceed twenty (20) feet in height, measured from the ground to the top of the sign;
 - (d) Be on a parcel or lot not abutting or opposite a frontage in an R District, unless the advertising face is not visible from the R District;
 - (e) Be at least three hundred (300) feet from any R District if illuminated, unless the advertising face is not visible from the R District;
 - (f) Be at least three hundred (300) feet from any church, school, park, playground, or

recreational area owned and operated by a public body;

- (g) Be at least four hundred (400) feet to the centerline of any restricted or limited access highway or the access ramps thereto, if the face of the sign is visible from the highway/ramp area.

SECTION 1203 ANIMALS IN ALL DISTRICTS

Farm animals, hoofed animals and poultry shall not be kept in any district. Household pets shall be limited to three (3) pets per household. (See definition of 'Pet' on Page 10) All dogs must be licensed according to State of Pennsylvania regulations. In addition to the prohibitions currently set forth, the keeping of any wild animals in any district is prohibited.