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Part I
Enactment

§101. Short Title. This Chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Emporium." The map, showing the division of the Borough into the designated zoning districts, shall be known as the "Zoning District Map." The said map shall be an integral part of this Chapter. (Ord. 264, 9/6/1960, §101)

§102. Predomination over Other Laws.

1. The provisions of this Chapter shall control wherever they impose greater restrictions (on the use of land, or on the use or height of structures, or on the size of yards or other open spaces, or on the density of population) than those imposed by other laws, ordinances, rules, regulations, or permits, or by easements, agreements, or covenants.

~~2. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare of the Borough of Emporium. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough of Emporium except that where this Chapter imposes greater restrictions upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Chapter shall control.~~

(Ord. 264, 9/6/1960, §103)

§103. Effective Date. The effective date of this Chapter shall be ten (10) days after passage and upon being signed by the Mayor and being attested by the Secretary of the Borough Council. (Ord. 264, 9/6/1960, §105)

§104. Public Records. This Chapter, including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested persons in the office of the Zoning Officer. (Ord. 264, 9/6/1960, §106)

Part 2
Definitions

§201. Definitions. For the purpose of use in this Chapter, the following terms and words are herein defined. Words used in the present tense include the future tense; the singular number includes the plural and vice versa; the words "used for" or "used by" include the meaning "designed or redesigned for."

ACCESSORY USE - a use customarily clearly incidental and subordinate to the principal use of the main structure or land, such as the following:

(1) FARM BUILDING - barn, silo, etc.

(2) GREENHOUSE - accessory to a dwelling and used exclusively by occupants of the premises to cultivate plants as an avocation.

(3) HOME OCCUPATION - carried on within the dwelling structure, by the resident thereof, as a customary secondary use in connection with which there is no person employed, no display, no sign other than a name plate, no mechanical equipment other than normal domestic or household equipment, and no selling of a commodity on the premises; provided, such use does not occupy more than twenty-five (25) percent of the total floor area of one (1) floor, and does not require internal or external structural alterations or involve construction features not customary in dwellings.

(4) HOME OFFICE - of a doctor of medicine or minister of religion, situated in a dwelling unit which is the home of the practitioner, provided that not more than one (1) assistant is employed, no colleagues or associates use such office, and no sign is used other than a name plate.

(5) LOADING SPACE.

(6) MINOR GARAGE or PARKING AREA.

(7) SCREENING WALL or FENCE - as regulated under §1103(8).

(8) SIGN or SIGNBOARD - as prescribed in Part 12.

BASEMENT - a story partly below ground and having one-half ($\frac{1}{2}$) or more of its height above the average level of the adjoining ground.

BASIC GRADE - the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the traveled roadway shall apply.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 412]

BUILDING - a structure having a roof supported by columns or walls which is permanently affixed to the land, and which is used for the housing or enclosure of persons, animals, or chattels. [Ord. 326]

(1) GARAGE - a building or portion thereof, used for the storage and/or service of motor vehicles.

(a) COMMUNITY - one (1) garage, or a group of detached garages arranged in a row or surrounding a common means of access, one (1) story in height, and used exclusively for the parking of automobiles by residents, customers, or persons engaged in conduct of establishments in the immediate vicinity of its location.

(b) MAJOR - any garage not included within the definition of "minor" or "community garage."

(c) MINOR - a detached accessory building, or portion of a main building, for the parking or temporary storage of automobiles belonging to occupants of the premises.

(2) MAIN - the building housing the principal use of the lot on which it is located.

(3) UNIT GROUP - two (2) or more main buildings grouped upon a single zoning lot, such as shopping center, school, church, hospital, institutional, or industrial plants.

HEIGHT OF BUILDING - the vertical distance and the number of stories measured from the basic grade to:

(1) The highest point of the roof adjacent to the front wall, for flat roofs.

(2) The deck line of mansard roofs.

(3) The mean height between eaves and ridge, for gabled, hipped, or gambrel roofs.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 412]

CONDITIONAL USE - a use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq. [Ord. 412]

COURT - an open, unoccupied, and unobstructed space, other than a yard, on a zoning lot, bounded by two (2) more sides of a building; including similar area fully open to the sky but not necessarily beginning at the ground level.

(1) TYPE "A" - a court completely surrounded by building walls, or by building walls and an interior lot line.

(2) TYPE "B" - any court other than a "Type 'A'" court.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies. [Ord. 412]

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) The Borough Council;
- (2) The Zoning Hearing Board; or
- (3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 412]

DWELLING - any building or portion thereof, which is used for residence, except hotels.

- (1) ONE (1)-FAMILY DWELLING - a building designed for and used exclusively for occupancy by one (1) family.
- (2) MULTIPLE-FAMILY DWELLING - a building designed for and used exclusively for occupancy by three (3) or more families.
- (3) ROOMING HOUSE - a dwelling containing not more than one (1) dwelling unit, where lodging is provided for more than two (2) persons in addition to the family unit.
- (4) ROW DWELLING - a multiple-family dwelling consisting of one (1)-family dwelling units attached side by side.
- (5) TWO (2)-FAMILY DWELLING - a building designed for and used exclusively for occupancy by two (2) families.

FAMILY - either an individual, or two (2) or more persons related by blood or marriage or adoption, or a group of not more than five (5) persons not so related (not counting servants) living together as a single household.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 412]

LOT, ACCREDITED ZONING - a lot in an "S" or "R" District which:

- (1) Fronts upon a street.
- (2) Is sufficient in size to meet the requirements for a one (1)-family dwelling and provide a buildable area of the lot twenty-five (25) feet square.

(3) By documentary evidence acceptable to the Zoning Officer, is shown to be, prior to and continuously since the effective date of this Chapter, in separate and distinct ownership from all abutting land.

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

LOT, INTERIOR - a lot other than a corner lot.

LOT, THROUGH - a lot, the front and rear lines of which abut streets.

LOT, ZONING - a parcel of land, fronting on a street, which is or may be occupied by a main structure or a unit group of buildings with accessory uses and structures and the open spaces required under this Chapter.

(1) BUILDABLE AREA - that portion of a zoning lot bounded by the required front, side, and rear yards; when a yard is not required, the boundary is the lot line.

(2) LOT AREA - the total space within the boundary lines of a zoning lot, not including any part of a street or alley.

(3) LOT DEPTH - the distance between the front and rear lot lines of the lot measured along the median between the two (2) side lot lines.

(4) LOT WIDTH - the distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

MEMBERSHIP CLUB - a chartered, non-profit organization, the primary purpose of which is the advancement of its members or of the community in educational, fraternal, cultural, or civic pursuits and activities.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 412]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 412]

NONCONFORMING SIGN - a sign lawfully existing at the time of the enactment of this Chapter (or as later amended), which does not conform to the sign regulations applicable in the district in which it is located.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this

Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 412]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 412]

PARKING AREA - an open space other than a street or alley used exclusively for the parking of automobiles.

(1) COMMUNITY - a parking area used exclusively by the residents, customers, or the person engaged in conduct of establishments in the immediate vicinity of its location.

(2) MINOR - a parking area which is an accessory use on the same zoning lot.

PUBLIC GROUNDS - includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

(3) Publicly owned or operated scenic and historic sites.

[Ord. 412]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 412]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 412]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 412]

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 by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other

