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## **PART 1**

### **PRELIMINARY PROVISIONS**

#### **§101. ENACTING CLAUSE.**

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

(Ord. 1/3/1994, §101)

#### **§102. SHORT TITLE.**

This Chapter shall be known as the "East Conemaugh Borough Zoning Ordinance," and the map referred to herein and made a part of this Chapter shall be known as the "East Conemaugh Borough Zoning District Map."

(Ord. 1/3/1994, §102)

#### **§103. PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES.**

The purpose of this Chapter shall be designed:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; airports and national defense facilities; the provision of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space; transportation; water; sewerage; schools; recreational facilities; public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of 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.
- C. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

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- D. To facilitate the development of the Borough to fulfill the goals and objectives of the East Conemaugh Borough Comprehensive Plan dated July, 1978, in developing the Borough primarily as a residential area with the preservation of natural beauty, and dispersed supplemental nonresidential development.

(Ord. 1/3/1994, §105)

## PART 2

### RULES AND DEFINITIONS

#### §201 RULES.

The following rules of construction shall apply to this Chapter:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Chapter 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 tense shall include the future, words 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."

(Ord. 1/3/1994, §201)

#### §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 use includes, but is not limited to, the following:

- A. Children's playhouse, garden house or private greenhouse.
- B. Civil defense shelter serving not more than two families.
- C. Garage, shed or building for domestic storage.
- D. Storage or merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations.
- E. Parking of boats, boat trailers and travel trailers and recreational vehicles not used as a dwelling on the premises, provided said equipment is parked within the setback lines required of an accessory structure.
- F. Private garage.

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- G. Small utility sheds not exceeding 160 square feet (10 feet high) may be placed on any residential lot with a minimum set back of 5 feet from all property lines. Accessory buildings larger than 160 square feet must comply with all set backs.
- H. Private swimming pools (see §1202) appurtenant to an allowed use on the same lot when meeting the width requirements of the district for principal buildings and when the swimming pool or the property on which it is located is adequately fenced to prevent free access of small children.
- I. Off-street motor vehicle parking area; loading and unloading facility.
- J. Fence (§408).
- K. Signs (Part 11).

**ALLEY** - a service way at least 15 feet wide, 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 in the existing 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 BUILDING** - a building used by three or more families living independently of each other and containing dwelling units.

**AUTOMOBILE REPAIR, MAJOR** - engine rebuilding or major reconditioning of work 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 underground, but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is 5 feet or more or if the basement is used for business or dwelling purposes.

**BILLBOARD** - structure, building wall or other outdoor surface used to display lettered, pictorial, sculptured or other matter which directs attention to any product, commodity or

service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

**BLOCK** - a tract of land, a lot, a group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses and boundary lines of the Borough, unsubdivided land, other definite barriers, or by a combination of the above.

**BOARD** - the Zoning Hearing Board of the Borough of East Conemaugh.

**BOARDING HOUSE** - any dwelling or building in which three or more persons or families reside individually of one another and are housed or lodged for compensation with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

**BUFFER AREA** - a strip of land which is planted and maintained in shrubs, bushes, trees, 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 persons, animals, chattels or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered as separate building.

**BUILDING AREA** - the aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projected not more than 18 inches, bay windows not extending through more than one story and not projecting more than 5 feet, one story open porches projecting not more than 10 feet, steps and balconies.

**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 decline of mansard roofs, and to the mean height between eave and ridge for gable, hip and gambrel roofs.

**BUILDING or SETBACK LINE** - the line within a property defining the required minimum distance between any building and the adjacent right-of-way or property line. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, paved areas or terraces.

**FRONT SETBACK LINE** - the line nearest the front of and across a lot establishing minimum open space to be provided between the front line of buildings and structures and the front lot line.

**REAR SETBACK LINE** - the line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

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**SIDE SETBACK LINE** - the line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

**WIDTH OF BUILDING LINE** - the horizontal distance between side lot lines measured at the minimum prescribed front yard setback line as set forth in this Chapter.

**CELLAR** - an unfinished story partly underground and having more than 1/2 of its clear height below the average level of the ground surrounding the structure. A cellar is not to be counted as a story in computing the number of stories of a structure or building unless it is used for business or dwelling purposes.

**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.

**COVERAGE** - that percentage of the lot area covered by the building area.

**COUNTY** - the County of Cambria, Pennsylvania.

### **DAY CARE -**

**DAY CARE CENTER** - a facility in which care is provided for seven or more children, at any one time, where the child care areas are not being used as a family residence.

**FAMILY DAY CARE HOME** - any premises other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time for four, five or six children, who are not relatives of the caregiver.

**GROUP DAY CARE HOME** - a facility in which care is provided for more than 6 but less than 12 children, at any one time, where the child care areas are being used as a family residence.

For purposes of this Chapter, a child is a person under 16 years of age.

**DECISION** - final adjudication of any board or other body granted jurisdiction under 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.

**DEVELOPER** - any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DEVELOPMENT PLAN** - the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the

development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

**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.

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

- A. The Borough Council.
- B. The Zoning Hearing Board.
- C. The planning agency, only if and to the extent that planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DRIVEWAY** - a private or common right-of-way used by vehicles and pedestrians for an individual land, lot or facility owner.

**DWELLING** - any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

**APARTMENT** - a dwelling unit separated horizontally and/or vertically from one or more other units in a structure.

**APARTMENT HOUSE OR MULTIPLE DWELLING UNIT** - a residential structure containing three or more apartments.

**GARDEN APARTMENT** - an apartment house not exceeding three stories in height.

**HIGH-RISE APARTMENT** - an apartment house exceeding three stories in height.

**DETACHED HOUSE** - a dwelling unit occupying the whole of a freestanding residential structure.

**DUPLEX** - a residential structure divided horizontally into two dwelling units.

**ROW HOUSE or TOWN HOUSE** - a structure with two or more party walls of three or more units not having any horizontal divisions between units.

**TWIN or SEMIDETACHED HOUSE** - a residential structure occupied by two dwelling units with a common wall.

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**ENGINEER** - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

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

**FARMING or FARM USE** - the use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or any other agricultural or horticultural use including raising and harvesting timber and timber products or tree farming or any combination thereof and includes the preparation of the products raised therein for man's use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

**FENCE** - a structure which permanently or temporarily serves as a barrier to restrict travel between properties or portions of properties or between street or public right-of-way and a property.

**FLOOR AREA** - the sum of the gross horizontal areas of the several floors of a building or buildings, measured 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 7 1/2 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. For the purpose of determining minimum floor area as applied to a dwelling unit, "floor area" shall mean the habitable living area of the dwelling as measured by exterior dimensions and shall not include attached garages, unfinished basements, laundry or furnace rooms or carports. Neither are porches included unless completely enclosed and finished.

**FOUNDATION** - permanent base or substructure of a building that is totally or more than 1/2 of its clear height below the average level of the surrounding ground. It is the basic support of the building or structure.

**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. (Does not include marshalling yard or storage or repair of earth-moving or construction vehicles.)

**GARDEN APARTMENT** - a multiple-family dwelling of two or three stories in height, which by its name implies low land coverage, ample open space between buildings, and convenient onsite parking for tenants' cars.

**GOVERNING BODY** - the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class A through eighth classes or as may be designated in the law providing for the form of government.

**HABITABLE LIVING AREA** - the floor area of a building or structure which is furnished to the extent that it is customarily occupied by residents or users of the buildings or structure.

**HEALTH AUTHORITY** - the State Department of Health or its authorized representative of the Borough.

**HEARING** - an administrative proceeding conducted by a board pursuant to §909(1) of the Pennsylvania Municipalities Planning Code.

**HOME OCCUPATION** - an accessory use of a service character within a dwelling by residents which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, measuring not more than 144 square inches, and in connection therewith there is not involved the exhibition of stock in trade. The secondary use shall not be carried on in an adjacent separate, attached or integral structure not designed for living space such as a garage or other out building, shall not constitute more than 25% of the habitable living area and shall not employ more than one other person than a resident family member. A home occupation shall be permitted by a special exception according to the criteria stated in that Section.

**HOSPITAL** - the term "hospital" shall include sanitarium, sanitorium, preventorium, 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 temporary lodging is offered to the public or transients for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office which is supervised by a person in charge at all hours. Access to onsite parking, restaurants, news stands and other commercial facilities may be provided for the occupants and only incidentally to the public.

**HOTEL, MOTEL** - 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 directly from the exterior or through an inside lobby or office supervised by a person in charge at all times.

**INSTITUTIONAL HOUSE** - a public or private organized establishment in which children, elderly or adults may receive services in order to maintain daily routines. Services may or may not include medical or educational services. The classification shall not include daycare facilities, nursery schools or penal or reformatory institutions.

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**JUNKYARD** - an area set aside for the accumulation of abandoned vehicles, appliances or other used or scrap materials for the express purpose of resale.

**LAND USE ORDINANCE** - any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.

**LANDOWNER** - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

**LANDSCAPING** - to improve, arrange, ornament or modify the effects of natural scenery over a tract of land through development and decorative planting of gardens and grounds.

**LIVESTOCK** - any animal such as cattle, pigs, horses, chickens, etc., or any animal to be deemed farmlike other than common domesticated animals such as dogs, cats and domesticated birds, etc.

**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 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.

**LOT, CORNER** - a lot at the junction of two or more intersecting streets and having frontage on two or more such streets.

**LOT, DEPTH OF** - the mean horizontal distance between the front line and the rear lot line, measured midway between the side lot lines.

**LOT, INTERIOR** - a lot other than a corner lot or a through lot.

**LOT, RECORDED** - any lot which individually, or a part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

**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.

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

**MEDIATION** - a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILE HOME** - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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.

**MOBILE HOME LOT** - a parcel of land in a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

**MOBILE HOME PARK** - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. The property may be owned by an individual, a firm, trust, partnership, public or private association or corporation. Recreational vehicles shall not be included.

**MODULAR HOME** - a single-family dwelling designed for transportation after fabrication in one or more units, and arriving at a site where it is assembled on a permanent foundation and connected to utilities.

**MOTEL** - see "hotel, motel," herein.

**MUNICIPALITY** - any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality or any similar general purpose unit of government which shall hereafter be created by the General Assembly. The Borough of East Conemaugh.

**MUNICIPAL or PUBLIC BUILDING** - any building or structure erected, altered and/or occupied by a governmental or public agency or organization providing services and facilities for the general public.

**MUNICIPAL ENGINEER** - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**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.

**NONCONFORMING STRUCTURE** - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such

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ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NURSERY SCHOOL** - a premises other than the child's own home which shall provide daytime care or instruction to two or more children of preschool age.

**OFFICIAL MAP** - a map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

**OFFICE STRUCTURE** - a structure designed and used only for office and administrative activities and shall not include those activities of a commercial nature.

**PARK STREET** - a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

**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 space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**PLANNED RESIDENTIAL DEVELOPMENT** - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

**PLANNING AGENCY** - a planning commission, planning department or a planning committee of the Borough Council.

**PLANNING COMMISSION** - the Planning Commission of the Borough of East Conemaugh.

**PLAT** - the map or plan of a subdivision or land development, whether preliminary or final.

**PUBLIC GROUNDS** - Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** - a formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action.

**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."

**PUBLIC NOTICE** - notice published once each week for two 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 30 days and the second publication shall not be less than 7 days from the date of the hearing.

**RECREATION VEHICLE** - a vehicle of any size which is designed as a temporary dwelling for travel, recreational and vacation use, and which is self-propelled or is designed to be towed or carried by another vehicle.

**REPORT** - any letter, review, memorandum, compilation or similar writing made by any 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 parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**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 BUILDING** - a structure housing toilet, lavatory and such other facilities as may be required by this Chapter.

**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 as well as for minor automobile repair, including State inspection.

**SHED** - a building or structure used as a storage place or workshop and should have a maximum square footage of 160 square feet and a maximum height of 10 feet.

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

**SPECIAL EXCEPTION** - a land use which is not specifically permitted in a zoning district by a zoning ordinance but which may be permitted upon application to the Zoning Hearing Board pursuant to the provisions of Article I and Article IX of the Pennsylvania Municipalities Planning Code.

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**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** - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STRUCTURE** - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SURFACE MINING** - any extraction of any mineral which involves removal of the surface of the earth or exposure of the mineral or substance of the earth to wind, rain or sun or other elements of nature for sale or commercial purposes.

**TOWNHOUSE** - single-family attached dwelling unit with walls, each dwelling unit is a complete entity with its own utility connections.

**TRAVEL TRAILER** - any trailer usually drawn by a passenger automobile, used for occasional transport of personal effects.

**USE** - the specific purpose for which land or 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 nonconforming use.

**VARIANCE** - permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this Chapter.

**WATER SURVEY** - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

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

**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 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 30% of the space, and steps, walls, 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 measured horizontally and at 90 degrees with the side lot line, from the nearest part of the principal building.

**ZONING ADMINISTRATOR** - the administrative officer appointed by elected officials of the Borough to administer this Chapter in accordance to its literal terms and requires the officer to identify and register nonconforming uses and structures, receive applications, inspect premises and issue permits. Any disagreement with the Zoning Administrator's literal interpretation can be settled judicially through the appeals process. The Zoning Administrator may also be referred to as the Zoning Officer.

**ZONING APPROVAL** - a statement issued by and signed by the Zoning Officer authorizing the use of construction of a structure and indicating on its face that the proposed use or structure complies with this Chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No approval shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of required sanitary sewage and water facilities.

**ZONING HEARING BOARD** - a multiple member board, appointed by elected officials of the Borough, to hear and decide appeals from the variances and special exceptions, and hear challenges to the validity of this Chapter or maps.

(Ord. 1/3/1994, §202)