

CHAPTER 27

ZONING

Part 1

Basic Provisions

- \$101. Title
- \$102. Community Development Objectives

Part 2

Establishment of Districts;
Provisions For Official Zoning Map

- \$201. Official Zoning Map
- \$202. Replacement of Official Zoning Map
- \$203. Application of District Regulations

Part 3

Definitions

- \$301. Definitions

Part 4

Schedule of District Regulations

- \$401. Zoning Districts
- \$402. Statement of Intent
- \$403. District Boundaries
- \$404. Permitted Uses
- \$405. Special Exceptions
- \$406. Height Regulations
- \$407. Minimum Floor Area
- \$408. Lot and Yard Requirements
- Table 401

Part 5

General Regulations

- \$501. Intent
- \$502. Nonconforming Uses
- \$503. Uses Not Provided For
- \$504. Environmental Protection Requirements
- \$505. Use Regulations
- \$506. Prohibited Uses

Part 6

Off-Street Parking, Loading and Unloading

- \$601. General Regulations
- \$602. Parking Facilities Required

Part 7

Signs

- \$701. General Provisions
- \$702. Permits Necessary for Sign Placement
- \$703. Definitions
- \$704. General Sign Regulations
- \$705. Provisions for Signs in Residential Districts
- \$706. Provisions for Signs in Commercial and Professional Districts
- \$707. Provisions for Signs in Open Recreation Districts
- \$708. Temporary Signs

Part 8

Administration and Enforcement

- \$801. Appointment and Powers of Zoning Officer
- \$802. Building Permit
- \$803. Application and Procedures for Building Permits
- \$804. Inspection by the Zoning Officer
- \$805. Violations
- \$806. Enforcement Notice
- \$807. Enforcement Remedies
- \$808. Parties Appellant Before the Board
- \$809. Enactment of Zoning Ordinance Amendments
- \$810. Procedure for Landowner Curative Amendments
- \$811. Procedure for Borough Curative Amendments
- \$812. Amendments

Part 9

The Zoning Hearing Board

- \$901. Zoning Hearing Board
- \$902. Hearings
- \$903. Jurisdiction
- \$904. Time Limitations
- \$905. Stay of Proceedings
- \$906. Causes of Action
- \$907. Special Exceptions
- \$908. Variances

Part 1
Basic Provisions

§101. Title. This Chapter may be cited as "Ridgway Borough Zoning Ordinance." (Ord. 538, 3/19/1979, §101)

§102. Community Development Objectives. The community development objectives which are the basis for the provisions of this Chapter are set forth in the Comprehensive Plan as adopted and amended by the Borough Council. (Ord. 538, 3/19/1979, §103)

Part 2

Establishment of Districts; Provisions For Official Zoning Map

§201. Official Zoning Map.

1. The Borough is hereby divided into zones, or districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Borough Manager, and bearing the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Article I of this Ordinance Number 538 of the Borough of Ridgway, State of Pennsylvania" together with the date of the adoption of this Chapter.

3. If in accordance with the provisions of this Part and the Pennsylvania Municipalities Planning Code (Act 247, as amended), changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within twenty-four (24) hours after the amendment has been approved by the Borough Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Borough Council, the following change (s) were made in the Official Zoning Map: (Brief description of nature of change)," which entry shall be signed by the Mayor and attested by the Borough Manager. No amendment to this Chapter which involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said map.

4. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter.

5. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the main office of the Borough Municipal Office, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(Ord. 538, 3/19/1979, §104)

§202. Replacement of Official Zoning Map.

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or extremely difficult to interpret, replacement of the Official Zoning Map shall only be made by official action of the current Borough Council.

2. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Borough Manager, and bearing the seal of the city under following words: "This is to certify that this Official Zoning Map supersedes and replaces the official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Number 538 of the Borough of Ridgway, Pennsylvania.

3. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. 538, 3/19/1979, §105)

§203. Application of District Regulations. The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, removed or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered.

A. To exceed the height or bulk.

B. To accommodate or house a greater number of families.

C. To occupy a greater percentage of lot area.

D. To have narrower or smaller rear yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.

3. No part of a yard, or other open space, or off street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

5. All territory which may hereafter be annexed to the Borough shall be zoned at the time it is annexed.

(Ord. 538, 3/19/1979, §106)

Part 3
Definitions

§301. Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

ACCESSORY USE a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACCESSORY STRUCTURE LIVING UNIT - a unit used for human habitation which is attached to an accessory structure. Such accessory structure would be subordinate to the principal structure located on the same lot.

AMENDMENT - a change in use in any district which includes revisions to the zoning text and/or the official zoning map.

APARTMENT BUILDINGS - a building used or designed as a residence for three (3) or more families living independently of each other with separate cooking facilities. [Ord. 690]

AREA BUILDING - the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building.

AREA, LOT - Area of lot or site shall be calculated from dimensions derived by measuring the dimensions of the horizontal plane of the lot.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 592]

BOARDING HOUSE - any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

BUILDING - any structure having a roof supported by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

CONVERSION APARTMENT - a two-family dwelling or multiple-unit dwelling constructed by converting an existing dwelling into apartments for use of more than one (1) family without substantially altering the exterior of the building.

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. 592]

COVERAGE - that portion or percentage of the plot or lot area covered by the building area.

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. 592]

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. 592]

DWELLING - a building designed or used as the living quarters for one (1) or more families.

DWELLING, SINGLE FAMILY - a house accommodating but a single family and having two (2) side yards.

DWELLING, TWO FAMILY - a building having two (2) side yards and accommodating but two (2) families.

DWELLING, MULTIPLE UNIT - a building used or designed as a residence for up to six (6) families living independently of each other with separate cooking facilities. [Ord. 690]

DWELLING UNIT - a building or portion thereof providing complete housekeeping facilities for one (1) family.

FAMILY - an individual or two (2) or more persons related by blood, marriage or law, or a group of not more than five (5) unrelated persons (excluding servants).

FLOOR AREA OF A BUILDING - the sum of gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use. All dimensions shall be measured between exterior faces of walls.

HOME GARDENING - the cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock and permitting the sale of produce raised thereon.

HOME OCCUPATION - any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.

HOTEL - a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in any accessory building.

LIGHT MANUFACTURING - the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances, electrical instruments, electronic devices, timepieces, jewelry, optical goods,

musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gages, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods and food products but not animal slaughtering, curing, nor rendering of fats.

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. 592]

LOT, DEPTH OF - a mean horizontal distance between the front and rear lot lines.

LOT, MINIMUM AREA OF - a mean horizontal distance between the front and rear lot lines.

LOT MINIMUM AREA OF - the horizontal projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT, WIDTH OF - the mean width measured at right angles to its depth.

MANUFACTURING - the processing and fabrication of any article substance or commodity.

MOBILEHOME - transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) or more units designed to be joined into one (1) 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 construction so that it may be used without a permanent foundation. [Ord. 592]

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [Ord. 592]

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 592]

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. 592]

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. 592]

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. 592]

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. 592]

NURSING or CONVALESCENT HOME - any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

PORCH - a covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door.

PLOT - a map, plan, or layout or a subdivision indicating the location and boundaries of individual properties.

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; and

C. Publicly owned or operated scenic and historic sites.

[Ord. 592]

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. 592]

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. 592]

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. 592]

RECREATIONAL VEHICLE - a vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motor power or is mounted on or drawn by another vehicle. Cap units mounted on one-half (1/2) or three-quarters (3/4) ton pick-up trucks shall not be construed as a recreational vehicle.

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 parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 592]

SCREENING - screening relative to this Chapter shall mean a fence, evergreen hedge, or wall at least six (6) feet high provided in such a way that it will block a line of sight. The screening may consist either of one (1) or several rows of bushes or trees or of a constructed fence or wall.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 592]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 592]

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 592]

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 592]

SUBSTANTIALLY COMPLETED - where in the judgment of the Borough engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. [Ord. 592]

USE - the specific purpose for which land or a building is designed, arranged, intend, or maintained. The term "Permitted Use" or its any equivalent shall not be deemed to include any non-conforming use.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq. [Ord. 592]

YARD - an unoccupied space open to the sky on the same lot with a building or structure.

YARD, FRONT - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

(Ord. 538, 3/19/1979, §109; as amended by Ord. 592, 7/20/1992)

Part 4

Schedule of District Regulations

§401. Zoning District. The Borough of Ridgway is divided into the districts stated on Table 401 as shown by the district boundaries on the Zoning Map. (Ord. 538, 3/19/1979, §201)

§402. Statement of Intent.

1. A-1 Conservation, Recreations and Open Space. To establish a district promoting the preservation of natural amenities, the protection of critical natural areas from erosion and inappropriate development, and to permit uses compatible with the area topography.

2. R-1 Suburban Residential Low Density Zoning District. To establish a district promoting low density residential development with compatible noncommercial and nonindustrial uses.

3. R-2 Suburban Residential Low Density Zoning District. To establish a district promoting medium-density residential development with allowances for the establishment of supporting professional service activities if consistent with prevailing residential use.

4. R-2 M.H.P. Residential Medium Density and Mobilehome Park Zoning District. To establish a district promoting medium-density residential development with allowances for the planned, orderly placement of mobilehomes with supporting services necessary for the safety and welfare of district residents.

5. C Commercial Zoning District. To establish a district promoting retail and commercial sales and public and private services.

6. C-R Commercial-Residential Transitional Zoning District. To establish a district promoting compatible residential and commercial uses which would serve as a multiple use buffer zone between districts of incompatible uses.

7. I Industrial Zoning District. To establish a district promoting industrial uses which contribute to the economic well-being of the community without critical adverse consequences to the health and safety of the community.

(Ord. 538, 3/19/1979, §201)

§403. District Boundaries.

1. District boundaries shown on the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

2. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the district regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

(Ord. 538, 3/19/1979, §202)

§404. Permitted Uses. The permitted uses for each district are shown on Table 401. Uses not specifically listed shall not be permitted. (Ord. 538, 3/19/1979, §203)

§405. Special Exceptions. The Ridgway Borough Zoning Hearing Board may authorize special exception uses as specified in Table 401 with such conditions as are deemed appropriate and following the procedures as outlined in Part 9. (Ord. 538, 3/19/1979, §204)

§406. Height Regulations.

1. No structure shall exceed the designated district heights above the average ground level.

<u>Districts</u>	<u>Permitted Heights</u>
A-1	15 Feet
R-1	35 Feet
R-2	35 Feet
R-2 M.H.P.	35 Feet
C	65 Feet
C-R	35 Feet
I	

2. The Zoning Hearing Board may authorize a variance to the height regulations in any district if:

A. All front, side and rear yard depths are increased one (1) foot for each additional foot of height.

B. The structure is any of the following and does not constitute a hazard: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers, spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles.

(Ord. 538, 3/19/1979, §205)

§407. Minimum Floor Area Requirements.

1. Single family dwellings, not less than eight hundred (800) square feet.

2. General apartments, not less than four hundred (400) square feet.

3. Efficiency apartments, not less than two hundred fifty (250) square feet.

(Ord. 538, 3/19/1979, §206)

§408. Lot and Yard Requirements.

1. The minimum lot area, minimum front, side and rear yard depths, minimum lot width, and maximum lot coverage for each district shall be as shown on Table 401.

2. Structure may front on either street and yard depth shall conform to district regulations or adjoining structure setbacks.

3. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project more than five (5) feet in any front, side or rear yard.

4. Lot Subdivision. No lot area shall be so reduced that the area of the lot shall be smaller than herein designated for that zoning district in Table 401.

5. Lot Access. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least twelve (12) feet wide and shall extend from the dwelling to a public street or highway, or to a private street or highway, or to a private street or highway having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year.

6. Accessory Structures on Lots. Accessory structures shall not be constructed within any front yard.

A. Semi-detached garages permitted in side yard areas if structure meets side yard requirements of five (5) feet to lot line.

B. Accessory structures may be constructed in rear yard areas but not closer than five (5) feet to the rear lot line.

C. Accessory structures in residential districts shall not exceed sixteen (16) feet in height.

D. Accessory structure living units may be permitted as a special exception except in R-1 Districts.

7. Side Yard Requirements for Abutting Commercial Structures in the C-R and C Districts. Side yard requirements shall be waived in the C-R Commercial Residential Transitional District and C Commercial District when two (2) or more commercial structures abut each other. Side yard requirements shall remain in effect when a commercial structure is adjacent to a home residential use.

(Ord. 538, 3/19/1979, §207)

A-1 Conservation, Recreation and Open Space Zoning District

<u>Permitted Uses</u>	Preservation of natural amenities Public and Private parks and playgrounds Tilling of the soil, raising of crops, fruits and vegetables and nurseries
<u>Special Exceptions Uses</u>	Signs Public utility structures or facilities Governmental structures or facilities Radio - television transmission or receiving towers or facilities
<u>Minimum Lot Area</u>	One acre
<u>Front Yard</u>	N/Applicable
<u>Side Yard</u>	N/A
<u>Rear Yard</u>	N/A
<u>Maximum Lot Coverage of Structures</u>	10%
<u>Minimum Lot Width</u>	N/A

R-1 Suburban Residential Zoning District

<u>Permitted Uses</u>	Public schools Churches Public parks Single family dwellings Accessory uses
<u>Special Exception Uses</u>	Public utility structures or facilities Governmental structures or facilities Nursing homes Hospitals
<u>Minimum Lot Area</u>	6,000 square feet
<u>Front Yard</u>	20 feet or existing setback, whichever is greater
<u>Side Yard</u>	10 feet
<u>Rear Yard</u>	No dwelling shall be constructed less than 20% of the lot depth from the property line
<u>Maximum Lot Coverage of Structures</u>	35%
<u>Minimum Lot Width</u>	60 feet
<u>Accessory Structures</u>	Side yard - 5 feet Rear yard - 5 feet

R-2 Medium Density Residential Zoning District

<u>Permitted Uses</u>	Public schools Churches Public parks Conversion apartments Single family dwellings Two family dwellings Multiple unit dwellings Accessory uses
<u>Special Exception Uses</u>	Accessory structures living units Public utility structures Nursing homes Professional offices Mortuaries Veterinary (excluding boarding), governmental structures or facilities Social clubs and lodges Hospitals
<u>Minimum Lot Area</u> [*]	Single family - 5,000 square feet Two family - 7,000 square feet Multiple Unit (see §505(6))
<u>Front Yard</u>	15 feet or existing setbacks, whichever is greater
<u>Side Yard</u>	5 feet
<u>Rear Yard</u>	20 feet or prevailing rear yard depth, whichever is greater
<u>Maximum Lot Coverage of Structures</u>	50%
<u>Minimum Lot Width</u>	Single family - 50 feet Two family - 60 feet Multiple Unit - 75 feet
<u>Accessory Structures</u>	Side yard - 5 feet Rear yard - 5 feet

* For other than residential use to be determined by Zoning Hearing Board at time of an application for permit.

R-2 M.H.P. Medium Density Residential and Mobilehome Park Zoning District

Permitted Uses

All uses permitted in R-2
Mobilehome parks (See Mobilehome
Ordinance) [Chapter 14]
Mobilehomes (See Mobilehome Park
Ordinance) [Chapter 14]

Special Exception Uses

All special exception uses listed in R-2
Residential Zoning District Regulation

Minimum Lot Area

Same as R-2 Residential Zoning District
Regulation

Front Yard

Side Yard

Rear Yard

Mobilehomes refer to Mobilehome Park
Ordinance

Maximum Lot Coverage of
Structures

[Chapter 14]

C-R Commercial-Residential Transitional Zoning District

<u>Permitted Uses</u>	Single-family dwellings Two family dwellings Multiple unit dwellings Public playgrounds Social clubs or lodges Apartment Building Conversion apartments Mortuaries Schools Churches Accessory uses
<u>Special Exception Uses</u>	Restaurants Professional office Accessory structure living units Veterinary (excluding boarding) Governmental structures or facilities Public utility structures or facilities
<u>Minimum Lot Area</u> *	Single-family - 5,000 feet Two family - 6,000 feet Multiple unit - 7,500 feet
<u>Front Yard</u>	20 feet or existing setbacks, whichever is greater
<u>Side Yard</u>	10 feet (see §407(6))
<u>Rear Yard</u>	10 feet or prevailing rear yard depth, whichever is greater
<u>Maximum Lot Coverage of Structures</u>	70%
<u>Minimum Lot Width</u>	Single-family - 50 feet Two family - 60 feet Multiple unit or commercial - 75 feet

* For other than residential use determined by Zoning Hearing Board at the time of application for permit.

C Commercial Zoning District

Permitted Uses

Retail stores
 Personal service shops
 Restaurants
 Banks, studios, offices
 Professional offices
 Theaters
 Warehouse or storage
 Indoor recreation facilities
 Taverns, cocktail lounges
 Hotels, Motels
 Public transportation stations
 Accessory uses
 Wholesale

Special Exception Uses

Apartment or conversion apartment (only when directly attached and incidental to one (1) or more commercial uses or structures)
 Gasoline service stations
 Auto sales, service and repair
 Educational and religious uses
 Public utility structures or facilities
 Governmental structures or facilities

Minimum Lot Area

5,000 square feet

Front Yard

None required

Side Yard

8 feet (see §408(6))

Rear Yard

20 feet

Maximum Lot Coverage of Structures

70%

Minimum Lot Width

50 feet

I Industrial Zoning District

Conditional Uses

Warehouses
Wholesale distributor
Truck terminals
Research laboratories
Public utility structures and facilities
Office buildings
Light manufacturing (Refer to §301)
Accessory uses

Special Exception Uses

Public restaurants
Gasoline service stations
Bulk fuel storage
Auto wrecking, salvage or junkyards

Minimum Lot Area

Front Yard

Side Yard

Rear Yard

Maximum Lot Coverage of Structures

Industrial Permit Procedures
In order that the Ridgway Borough Council, upon review and recommendation of the Ridgway Borough Planning Commission, may have reasonable basis upon which to approve a proposed or permitted industrial operation, the following data shall be submitted with an application for a building permit:

- A. Plot plan.
- B. Architectural plan.
- C. Description of operation
- D. Engineering and architectural plans for water supply and sewage disposal.
- E. Plan for prevention or control of noise, vibration, glare, fire hazards, air pollution water pollution, and traffic by buffer zones or other approved means.
- F. Proposed fuel and proposed supplementary energy emergency source.
- G. Number of shifts and maximum employment per shift.
- H. Additional pertinent data as may be required by the Zoning Officer.

Part 5
General Regulations

§501. Intent.

1. Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming uses of structures and premises, and nonconforming characteristics of use in Ridgway Borough zoning districts.

2. Intent. Within the districts established by this Chapter or amendments that may later be adopted there exist:

- A. Lots;
- B. Structures;
- C. Uses of land and structures;
- D. Characteristics;

which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter. It is intended to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except in strict conformity with this Chapter.

3. Nonconforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved.

(Ord. 538, 3/19/1979, §300)

§502. Nonconforming Uses. The Ridgway Borough Zoning Officer or his designate shall identify and register nonconforming uses and nonconforming structures.

1. Continuation.

A. Any lawful use of a structure or land existing at the effective date of this Chapter, may be continued although such use does not conform to the provisions of this Chapter.

B. Any parcel of land and/or structure approved under the nonconforming clause herein, may be sold, leased, conveyed, or otherwise transferred and such nonconforming use continued.

2. Extension.

A. A nonconforming use of a building may be extended throughout the building if no structural alterations are made therein.

B. A nonconforming use may not be extended upon a lot not occupied by such use and held in single and/or separate ownership at the effective date of this Chapter.

3. Changes. A nonconforming use of a building or land shall not be permitted to change to a more or less restricted classification without notification and consent of the Ridgway Borough Zoning Hearing Board under special exception.

4. Restoration. A nonconforming structure that has been damaged by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner, may be rebuilt provided that the owner applies for and receives authorization for such rebuilding from the Zoning Hearing Board subject to the following:

A. If the damage is less than fifty (50%) percent of the real value prior to destruction, rebuilding may take place upon the original foundation pending approval of the Building Inspector. The rebuilding process shall not permit expansion of the nonconforming use, and when applicable, parking and loading requirements as set forth in this Chapter shall be adhered to.

B. If the damage is greater than seventy-five (75%) percent then the nonconforming use may not be continued.

5. Abandonment. If a nonconforming use of a building or land ceases for a period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.

(Ord. 538, 3/19/1979, §301)

§503. Uses Not Provided For. Whenever in any district established under this Chapter a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use by special exception procedure. (Ord. 538, 3/19/1979, §302)

§504. Environmental Protection Requirements. The following provisions shall apply to all uses of land in all districts unless otherwise noted:

1. No cut or fill grade shall exceed a slope of one-third (1/3) or thirty-three (33%) percent. This provision shall apply to all cuts and fills exceeding one hundred (100) square feet in exposed surface area including cuts and fills on land naturally exceeding one-third (1/3) in slope.

2. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

3. No cutting, filling, or other disturbing of land and natural vegetation is permissible within fifty (50) feet of the edge of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

(Ord. 538, 3/19/1979, §303)

§505. Use Regulations. The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Chapter.

1. Agriculture, tilling of the soil, and raising of garden crops shall be permitted in all districts providing that storage of manure or odor or dust producing substances (shall not apply to lime and fertilizers at time of use) shall not be permitted.

A. The selling of products raised on the premises shall be permitted, provided that all stands or shelters used for such sales shall be removed during that period when not in use for the display or sale of products.

B. Structures in which animals (excepting a small shelter for not more than two (2) canines or cats per residential lot) are to be kept shall not be permitted in any district.

2. Home Occupations. An occupation conducted in a dwelling unit shall be permitted provided that:

A. No person other than members of the family residing on the premises shall be engaged in such occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. (See Part 7).

D. Home occupations conducted in accessory structures may be permitted as a result of special exception procedures.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be excepted in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

3. Clubs, Lodges, and Fraternal Organizations. In districts where permitted, these uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.

4. Schools, Hospitals, Churches, and Other Public Buildings. In the districts where permitted, these uses shall meet the following requirements:

A. Lot Coverage. Lot area covered by all buildings shall not be greater than fifty (50%) percent of the area of the lot.

B. Yard Regulations. Each lot shall have yards not less than the following depths or widths:

(1) Front yard depth. Twenty (20) feet.

(2) Side yards. Two (2) in number, twenty (20) feet each.

(3) Rear yards depths. Fifty (50) feet.

C. Off-street Parking. Parking shall be provided in accordance with the provisions of Part 6.

D. Service and access drives shall be at least fifteen (15) feet wide and not over twenty-five (25) feet wide and shall be permitted to cross required yard areas provided that the center line of the permitted drive shall not be at the lesser angle to the street line than sixty (60) degrees.

5. Motels. In districts where permitted, motels shall be subject to the following:

A. No motel shall have a lot area less than one (1) acre.

B. Motels shall utilize collective sewers connecting with an approved sewage disposal system.

C. Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.

6. Multiple Unit Dwellings, Two-Family Dwellings, Conversion Apartments, Accessory Structure Living Units. In all districts where permitted, the above structures and uses will be subject to the following regulations:

A. Two-family Dwellings. In districts where permitted, such structures shall have a minimum lot width of sixty (60) feet. Parking provided in accordance with Part 6.

B. Multiple Unit (Three (3) or More Units) Dwellings. In districts where permitted, such structures shall have a minimum lot area of seven thousand five hundred (7,500) square feet with a minimum lot width of seventy-five (75) feet. There shall be no more than one (1) living unit for every two thousand (2,000) square feet of lot area. Parking shall be provided in accordance with Part 6.

C. Conversion Apartments. Any dwelling existing at the effective date of this Chapter in a district permitting conversion apartments may be converted to a dwelling for more than one (1) family providing that:

(1) The lot area per dwelling unit shall conform to the regulations for the district in which located.

(2) There is no exterior evidence of change in the building except as required by Borough building and/or housing codes.

(3) Fire escapes, where required, shall be in the rear or at the side of the building and shall not be located on any wall facing a building.

(4) Parking shall be provided in accordance with the provisions of Part 6.

(5) Not to apply to conversions made by Federal or State grant money.

D. Prevailing district minimum yard dimensions shall be strictly adhered to.

E. Accessory structure living units shall be subject to special exception procedures.

7. Public Utility Structures or Facilities. Essential service public utility structures or facilities shall conform to the general character as to appearance and structures within the district and further provided that such structure shall not include the storage of vehicles or equipment necessary to the normal maintenance, repair, or installation for any utility. Structures shall be permitted for the housing of transformers, pumps and similar equipment provided such structures are soundproof, odorproof, and interference (radio and television signal) proof. The installation of these "essential services" shall be governed by special exception procedures.

8. Swimming Pools, Private. Private swimming pools shall be a permitted accessory use in any district and shall comply with the following condition and requirements.

A. The pool is intended and is to be used for the enjoyment of the occupants of the principal use of the property on which it is located.

B. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which located.

C. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition. When a fence is used, it shall not have any openings greater than two (2) inches by four (4) inches, except for approved gates; and when said fence is formed of metal wire, such metal or wire shall not be less than a number eight (8) gauge.

9. Pedestrian and Vehicular Visibility in Districts. On any lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede pedestrian or vehicular vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the streets in the area.

10. Fences and Walls. No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Part) shall be over eight (8) feet in height. [Ord. 592]

(Ord. 538, 3/19/1979, §304; as amended by Ord. 592, 7/20/1992)

(27, §506)

(27, §506)

§506. Prohibited Uses. No lot shall be used nor building be erected altered, or used for any trade, industry, or business that is obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or otherwise creates a nuisance or hazard to public health, safety and welfare. (Ord. 538, 3/19/1979, §305)

Part 6

Off-Street Parking, Loading and Unloading

§601. General Regulations.

1. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space, carport, driveway, or uncovered parking lot space located off the public right-of-way.

2. Each parking space shall consist of not less than an average of one hundred eighty (180) square feet of usable area for each motor vehicle. All parking spaces shall be adequate in size for the vehicles for which use is intended. Outdoor parking spaces shall be deemed to be part of open space (does not apply toward maximum allowable lot coverage) of the lot on which it is located.

3. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

4. Parking space may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board.

5. Surfacing. Any off-street parking space or driveway shall be so constructed to prevent drainage of surface water onto adjoining lots, or pedestrian walks arranged for safe, orderly parking and adequately surfaced for expected traffic.

6. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises.

7. There shall be adequate provision for ingress and egress to all parking and loading spaces. Where a parking or loading area does not abut a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width, in the case of a dwelling, and not less than sixteen (16) feet in width in all other cases, leading to the parking or storage areas or loading spaces required hereunder. Driveway may be constructed to within one (1) foot of the adjoining property line.

8. Parking Storage or Use of Major Recreational Vehicles and/or Equipment.

A. For the purpose of this regulation, major recreational vehicles or equipment is defined as including boats and boat trailers, travel trailers, motorized coaches, motorized dwellings, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

B. No major recreational vehicle or equipment shall be permitted to be parked or stored on public rights-of-way. No major recreational vehicle or equipment shall be parked or stored on any front yard area or front yard driveway of any residential lot. No such vehicle or equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

C. Exception. Visitors or tourists shall be permitted to park a major recreational vehicle or equipment on a public right-of-way for a period not to exceed twenty-four (24) hours. Major recreational vehicles or equipment operated or owned by a visitor (non-Borough resident) or tourist will be permitted to park on front yard portions of residential lots for a period not to exceed seven (7) days.

9. Oversized Vehicles on Public Right-of-Way. Parking of commercial vehicles over one and one-half (1.5) ton in weight and/or thirty (30) feet in length shall be prohibited on all public rights-of-way. Temporary parking of such vehicles shall be permitted for loading and unloading purposes only.

(Ord. 538, 3/19/1979, §400)

§602. Parking Facilities Required. Any structure or building hereafter erected, converted or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than minimum parking spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1. Residential Parking.

A. Dwelling. One-family detached and one-family semi-detached, two (2) parking spaces for each family unit.

B. Dwelling. Two-family detached, two (2) parking spaces for each family unit. For the purposes of this Chapter in residential districts when one (1) or two (2) parking spaces are required for dwellings, an attached or unattached garage or carport on the premises may be considered as parking space; driveways off the public right-of-way that are at least eight (8) feet wide and twenty (20) feet long may also be considered as parking space.

C. New Multiple Dwellings and Apartment Dwellings. Apartment houses, apartment hotels, and conversion apartment dwellings. The total number of parking or garage spaces shall not be less than one and one-half (1 1/2) times the number of apartments in the building. A garage accessory to an apartment house, apartment hotel, or conversion apartment dwelling shall provide only for the storage of vehicles of the owner, tenants and employees. No parking space shall be provided nor parking permitted in front yard areas (front yard driveways inclusive of apartment houses, apartment hotels or conversion apartment dwellings) unless authorized as a special exception.

2. Commercial Parking.

A. Hotels, Motels, Tourist Homes, Boarding, Rooming Housing. At least one (1) parking space for each guest room. If a restaurant in

connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

B. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly (including clubs and lodges); at least one (1) parking space for each three (3) seats provided for public or private assembly.

C. Food Retail Stores. Parking shall be required at a ratio of one (1) square foot of net retail floor area to four (4) square feet of gross parking area.

D. Other Retail Stores and Places of Trade or Business (e.g. clothing, furniture, hardware, etc.). Parking area required shall be determined by Zoning Hearing Board by special exception methods at time of permit issuance.

E. Restaurant, Tearooms, and Cafeterias including Taprooms, Taverns, and Night Clubs. One (1) vehicle space for each fifty (50) square feet of floor area for public use.

F. Bowling Alley. Five (5) vehicle spaces for each alley.

G. Professional Office Building. Parking area required shall be determined by Zoning Hearing Board by special exception method at time of permit issuance.

H. Public Garages, Automobile, and Gasoline Service Stations. At least one (1) parking space for each two hundred (200) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles. In no event shall parking be permitted on the public rights-of-way.

I. Parking Garage. No parking shall be permitted on the adjacent public rights-of-way.

J. Hospitals and Sanitariums. At least one (1) parking space for each three (3) patients for which accommodations are provided, such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees.

K. Other Commercial Buildings. At least one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, except when otherwise authorized as a special exception consistent with the principles set forth herein for comparable buildings.

L. Drive-In Dairy and Restaurants. Provisions for parking for drive-in facilities must meet with the approval of the Zoning Hearing Board and under no conditions will parking on the public rights-of-way be permitted.

M. Dance Halls, Roller Rinks, Clubs, Lodges, and Other Similar Places. At least one (1) parking space for each one hundred (100) square feet of floor area.

N. Open Areas Used for Commercial Purposes.

(1) Golf Driving Range. At least one (1) parking space for each tee provided.

(2) Miniature Golf. At least one (1) parking space for each two (2) persons for whom playing area is provided.

In all cases, the area proposed for parking purposed in commercially used open areas is subject to the approval of the Zoning Hearing Board as to the adequacy of the proposed parking area in relation to the anticipated commercial demand.

O. Mortuaries, Funeral Homes, and Undertaking Establishments. At least one (1) parking space for each one hundred (100) square foot of floor area for public use. Such space shall be in addition to:

(1) Employees parking.

(2) A service area for mobile equipment such as hearses and ambulances.

3. Industrial Parking. Off-street parking shall be provided on the premises in accordance with the following schedule.

A. Industrial and Manufacturing Establishments. One (1) vehicle parking space for each two (2) employees on the combined major and next largest shift.

B. Truck Terminals and Wholesale Warehouses. One (1) vehicle parking space for each two (2) employees on the combined major and next largest shift.

C. Visitors and Salesmen. Space shall be provided in addition to the above parking requirements according to the specific needs.

D. Parking Prohibited. Parking shall not be permitted on the public right-of-way.

4. Loading and Unloading Space.

A. In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital, and similar uses shall provide adequate off-street area for loading and unloading of vehicles. A parking space shall be provided of a size so that no part of a vehicle loading or unloading will protrude on to the public right-of-way. Loading or unloading parking spaces shall be subject to the approval of the Zoning Hearing Board as to the adequacy of the proposed parking area in relation to the anticipated commercial demand.

B. All commercial and industrial establishments shall have individual marked parking stalls and be paved or surfaced with a hard, permanent dust-free surface.

(Ord. 538, 3/19/1979, §401)

Part 7
Signs

§701. General Provisions.

1. Intent.

A. The purpose of this Part is to promote and protect the public health, welfare, and safety by regulating the installation of new signs and the maintenance, placement, and other related properties of all signs located within the Borough of Ridgway. Further, regulation of said signs is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the Ridgway area.

B. Signs play extremely important roles in identifying residences and businesses, providing directions, locating public buildings and structures, and in enticing passing motorists to patronize local businesses. However, it is clearly recognized that poorly placed or installed signs can restrict sight lines or distract motorists, break off and fly during heavy winds, lower property values, or cause various other forms of public nuisance.

2. Scope and Applicability. Signs may be erected, altered, maintained, used or moved only when in compliance with the provisions of this Part and any or all other ordinances and regulations relating to the erection, alteration, maintenance, use, or moving of signs and similar devices.

(Ord. 538, 3/19/1979, §500)

§702. Permits Necessary for Sign Placement. Except for temporary signs (as defined and provided for in §708), all signs shall require the issuance of a sign permit before erection, replacement, or major changes may take place. Permits are to be issued by the Zoning Officer once he is convinced that the erection, replacement, or change is in completed conformity with the provisions of this Part.

1. Application for Permit. A sign permit application form shall be completed and submitted to the Zoning Officer. Said application shall contain any information pertinent to the erection, replacement, or change (as designated in the provisions of this Part) of any sign and any additional information as may be prescribed by the Zoning Officer. Said application shall also be accompanied by a permit fee.

2. Permit Fee. A filing fee for each sign permit shall be paid to the Zoning Officer. Fees shall be established by Ridgway Borough Council.

3. Issuance of Permit. If the Zoning Officer is satisfied that the application for a sign permit, the accompanying information and the proposed action conform to the requirements of this Part and other applicable laws, and that the prescribed fee has been paid, he shall issue a permit therefore to the applicant. If not satisfied, he shall deny the application within a reasonable period of time, as determined by the Ridgway Borough Council.

4. Inspection. The Zoning Officer or his authorized representative may at any time make inspections as may be necessary or appropriate to ascertain whether any sign will comply or is complying with this Part and other applicable laws. If required by the Building Inspector or Borough Planning Commission, an inspection shall be called for of the structural portions of every sign, and before the structural connections to the building or structure are concealed or covered. The Zoning Officer will also keep a record of all nonconforming signs.

(Ord. 538, 3/19/1979, §501)

§703. Definitions. The following words and phrases used in this Part shall be construed as defined in this Section.

SIGN - any permanent or temporary structures; any device attached, painted, or represented directly or indirectly on a structure; or any other display that is in the nature of an advertisement, announcement, visual communication, direction, or which is designed to attract the eye or bring the subject to the attention of the public.

A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed on which they are displayed (but not including any supporting framework and bracing which are incidental to the display itself).

B. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

C. In computing the area of a double-faced sign, only one (1) side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

ILLUMINATION OF SIGNS -

A. Directly Illuminated Sign. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.

(1) Festoon lighting is a directly illuminated sign comprised of either:

(a) A group of incandescent light bulbs hung or strung overhead or on a building or structures.

(b) Light bulbs not shaded or hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.

B. Indirectly Illuminated Sign. A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be directly illuminated sign.

C. Flashing Sign. An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

D. Non-Illuminated Sign. A sign which is not illuminated either directly or indirectly.

LOCATION OF SIGNS -

A. On-Premises Sign. A sign which advertises or otherwise directs attention to an activity conducted on the same lot.

B. Advertising Sign. An off-premises sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation or other similar activity which is sold, offered or conducted elsewhere than on the lot upon which such sign is located.

C. Business Sign. An on-premises sign on which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted other than incidentally on the premises upon which such sign is located, or to which it is affixed.

TYPES OF SIGNS -

A. Free-standing Sign. A self-supporting sign resting on or supported by means of poles or standards either on the ground or on the roof of a building. The height of free-standing signs on the ground shall be measured from the curb level.

B. Parallel Sign. A sign mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, or shall not project more than eight (8) inches from its surface.

C. Projecting Sign. Any sign mounted to a wall or other vertical building surface other than a parallel sign. Projecting signs shall not project more than eighteen (18) inches from the wall or surface to which they are mounted nor in any way interfere with normal pedestrian or vehicular traffic.

D. Non-Stationary Sign. A sign which, by means of some mechanical device, changes its position constantly or at regular intervals by rotating around an axis or shifting in horizontal or vertical alignment.

E. Temporary. Any sign which is displayed for a limited period of time and that is subject to the provisions of §708.

(Ord. 538, 3/19/1979, §502)

§704. General Sign Regulations. The following standards apply to all signs within the Borough regardless to the type of sign or its specific location.

1. Prohibited. Flashing signs or lights, and revolving signs, festoon lighting, advertising signs except as provided under §705 and non-stationary signs shall not be permitted in any district. Free-standing roof signs shall be permitted in any business district, provided they do

not extend more than six (6) feet above the roof of a one (1) story building and do not exceed twenty-five (25) feet maximum height from curb line.

2. Obstruction. No sign shall be erected or maintained within a distance of ten (10) feet from the intersection of any street lines or the intersection of a street line and the edge of a private accessway. The location of the sign shall be at least eight (8) feet above the level of the street centerline. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks or driveways, through confusion with traffic control devices (by reason of color, location, shape, or other characteristic), or through any other means. No sign shall violate the corner visibility restrictions of this Section and §706.

3. Overhanging. No signs shall overhang any walkway or public right-of-way.

4. Free-Standing Sign.

A. A self-supporting sign resting on or supported by means of standards. On a free standing sign twelve (12) square feet, or larger, the supporting member or members are to be either cemented into or bolted (using a minimum of four (4) bolts with minimum diameter of three-fourths (3/4) inch) to a concrete footing, minimum three (3) feet below ground, minimum thickness of ten (10) inches.

B. All electric wiring for free-standing signs is to be placed under ground or above ground with a clearance of fifteen (15) feet.

C. No free-standing sign can occupy a designated parking area or intended parking area, walkway, cartway, driveway, or area designated for any other use.

5. Maintenance. All signs permitted in this Part must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapidated, after thirty (30) days notification to the owners, shall be removed by the Borough at the expense of the owner or leasee of the property on which it is located.

6. Nonconforming Signs. Signs existing at the time of passage of this Chapter which do not conform to the requirements of the Chapter shall be considered nonconforming signs and may continue in nonconformity. Once removed for repair, replacement or any other reason, a nonconforming sign shall not be replaced unless with a conforming sign; however, nonconforming signs may be repainted or repaired in place provided such repainted or repaired sign does not exceed the dimensions of the existing sign.

7. Permit Required. All permanent signs shall require the issuance of a sign permit before erection or replacement.

8. Separate Frontage. If an establishment has walls fronting on two (2) or more streets, the total sign area permitted for the particular use or building shall be computed at one and one-half (1 1/2) times the total sign area permitted for buildings with single street frontage. The total area permitted per wall cannot exceed provisions under §706(1)(B)(1).

9. Signs Within Street Lines. Signs erected by a duly constituted governmental body, including traffic signs and similar regulatory notices,

shall be permitted within street lines, except that this provision shall be waived for parallel signs in areas where no front yard setback is available.

10. Yard Requirements. No portion of any free-standing sign shall be located closer to any lot lines than one-half (1/2) the required yard for the district in which it is located. If this requirement cannot be met, then free-standing signs shall be prohibited on such properties, except in the business district the distance may be three (3) feet.

11. Vehicular Signs. Any vehicle to which a sign is affixed in such a manner that carrying of such sign or signs no longer is incidental to the vehicle's primary purpose but become a primary purpose in itself, shall be considered a free-standing sign and as such be subject to the provisions regarding free-standing signs in the district in which such vehicle is located.

12. Exterior Signs Fastened with Adhesive. These signs are prohibited.

13. Ground Signs. These signs are prohibited.

14. Temporary Illuminated Signs. Temporary illuminated signs shall not be permitted within fifty (50) feet of any existing or future road right-of-way.

(Ord. 538, 3/19/1979, §503)

§705. Provisions for Signs in Residential Districts.

1. On-Premises Signs. The following are permitted in residential and all other districts:

A. Signs displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided that area of any such sign shall not exceed four (4) feet.

B. Flags representing governmental, educational or religious organizations.

C. One (1) non-illuminated sign or indirectly illuminated sign displaying only the name and address of the occupant of a premises, provided that the area of any such sign shall not exceed two hundred (200) square inches. The provisions of §705.(1)(H) do not apply to this type of sign.

D. One (1) non-illuminated or indirectly illuminated sign for home occupations or accessory offices, indicating only names of persons and their occupations, provided that the area of any such sign shall not exceed two (2) square feet.

E. One (1) non-illuminated or indirectly illuminated bulletin or announcement board or identification sign for a permitted non-residential building or use, provided that the area of any such sign shall not exceed twenty (20) square feet.

F. One (1) non-illuminated or indirectly illuminated sign in connection with a lawfully maintained nonconforming use, provided that the area of any such sign shall not exceed twelve (12) square feet.

G. One (1) non-illuminated sign advertising the sale or rental of the premises upon which said sign has been erected or one (1) sign indicating that said premises have been sold or rented. The area of any such sign shall not exceed six (6) square feet and such signs shall be removed within twenty (20) days after an agreement of sale or rental has been entered into. Such signs shall be placed parallel to the street and meet the yard requirements specified in §704(10). Such signs must also be made of sturdy materials (aluminum, steel or wood) and be securely anchored.

H. One (1) non-illuminated sign erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other persons interested in such sale or development. Such signs shall not exceed twenty-four (24) square feet and they shall be removed within twenty (20) days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner. Such signs shall be placed parallel to the street and meet the yard requirements specified in §704(10). Such signs must also be made of sturdy materials (aluminum, steel or wood) and be securely anchored.

I. Non-illuminated or indirectly illuminated memorial signs or historic signs or tablets.

2. Off-Premises Signs. The only off-premises signs permitted are those necessary for the direction, regulation, and control of traffic; street name signs; legal notices; warnings at railroad crossings; other official signs which are similarly authorized or enacted by a duly constituted governmental body; and those temporary signs specifically authorized and regulated in §710.

3. Locational Restrictions.

A. Free-standing signs except at corners may not exceed six (6) feet in height.

B. Parallel and projecting signs or portions of such signs shall not be located more than four (4) feet above the ceiling of the ground floor of any building.

(Ord. 538, 3/19/1979, §504)

§706. Provisions for Signs in Commercial and Professional Districts.

1. On-Premises Signs. The following are permitted in commercial and professional districts:

A. All signs permitted in §705 at the standard prescribed therein, except as otherwise provided in this Section.

B. Parallel and projecting business signs, provided:

(1) The total area of all parallel and projecting signs for each establishment shall not exceed one (1) square foot for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment.

(2) If such establishment does not occupy any floor area on the ground level of the building, other than an entryway, the

maximum area per foot of length of the front building wall (or portion) shall be only one-half (1/2) square foot.

(3) Signs painted on or affixed to the inside or outside of windows shall be included in this computation if their combined area exceeds twenty-five (25%) percent of the area of the window which they occupy.

(4) In no case, however, may the total area of parallel and projecting signs, and any signs affixed to the inside and outside of windows, exceed ten (10%) percent of the area of the wall (including windows and door area and cornices) to which they are attached.

C. Free-standing business signs, provided:

(1) Only one (1) such sign shall be permitted on each property for each street frontage subject to the provisions of §704.

(2) The area of any one (1) such sign shall not exceed one (1) square foot for each one (1) foot of lot frontage, or thirty-two (32) square feet, whichever is smaller.

2. Off-Street Signs. All off-premises signs permitted in §705 at the standards prescribed therein are permitted in industrial districts.

(Ord. 538, 3/19/1979, §505)

§707. Provisions for Signs in Open Recreation Districts.

1. One (1) non-illuminated or indirectly illuminated on-premises sign which names and gives pertinent information pertaining to the recreational facility; and other official signs which are similarly authorized or erected by a constituted governmental body.

2. Temporary parallel advertising will be permitted on the backfield fences facing the backstop in baseball fields in open recreation districts. Such signs shall not extend above the fences to which they are attached and shall be erected no sooner than one (1) week prior to the initial municipality sanctioned league baseball game of the season and shall be removed no later than one (1) week after the final such game of the season.

(Ord. 538, 3/19/1979, §507)

§708. Temporary Signs. Temporary signs are considered under two (2) sets of provisions. The first set includes signs that by their temporary nature and use do not require a permit and are subject to only basic regulations. The second set includes signs that have a temporary nature but that because of their use require a permit and are more closely regulated.

1. Temporary Signs not Requiring a Permit Shall be as Follows.

A. Temporary non-illuminated sign of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises on which signs are erected, provided that such sign shall be removed upon completion of work by the mechanic or artisan and the total area of all such signs shall not exceed six (6) feet. Such signs should be of a sturdy nature and anchored.

B. Signs announcing no trespassing; signs indicating the private nature of a road, driveway or premises; signs warning of a potential hazard to people entering the property, provided that the area of any such sign shall not exceed four (4) square feet. Said signs should be constructed of weather-proof materials.

C. Temporary signs announcing a privately held yard, garage or similar sale of private goods upon the premises on which the sign appears. Such signs may not be posted sooner than three (3) days prior to the sale and must be removed immediately after the sale is over. Said signs should be constructed of a weather-proof material and the area of any such sign shall not exceed two (2) square feet.

2. Temporary Signs Requiring a Permit Shall be as Follows.

A. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained either off or on-premises, provided that:

(1) The size of any such sign is not in excess of four (4) square feet.

(2) The signs shall not be erected or displayed earlier than thirty (30) days prior to the election to which they pertain, and be removed within seven (7) days after the election.

B. Temporary non-illuminated signs directing persons to temporary exhibits, shows, events or proposed developments may be erected subject to the following requirements:

(1) Signs shall not exceed twelve (12) square feet in area.

(2) Signs shall not be posted earlier than seven (7) days before the occurrence of the event to which they relate and must be removed within eight (8) days after the date of the exhibit, show, event or the sale or rental of the final unit in such development.

(3) Temporary signs for any one (1) exhibit, show, event or use shall be limited to two (2) events per year. Each event will be no more than fifteen (15) days in duration.

C. Non-illuminated signs used for directing patrons, members, or audience to service clubs, churches, or other non-profit organizations, provided signs indicate only the name of the organization and the place, date and time of meeting and shall not exceed four (4) square feet in area.

D. The erection of temporary signs permitted under subsections (A), (B), (C) of this Section or an authorized agent of a political party, candidate or sponsor of an exhibit, show, event or proposed development shall apply for and obtain a permit from the Borough Zoning Officer. If said application is approved, the applicant will pay the sum as established from time to time by resolution by Borough Council per each sign he intends to post as a bounty for the removal of the signs after a specified date. In addition, the applicant must

(27, §708(2)(D), cont'd)

(27, §708(2)(D), cont'd)

agree to pay an additional fee as established from time to time by resolution by Borough Council for each additional sign turned in for bounty beyond the initial amount he indicated. Each sign posted must contain a code number indicating who is responsible for the signs and also must contain the date after which the sign can be turned in for a bounty. At the time of the application, the erector or authorized agent shall indicate upon which streets such signs are to be located. If such signs are not removed at the end of the seven (7) day period, the Borough shall cause them to be removed and may retain any remaining bounty monies. Within the seven (7) day period, the Zoning Officer will pay the bounty on returned signs in the lots of ten (10) or more.

(Ord. 538, 3/19/1979, §508; as amended by Ord. 592, 7/20/1992)

Part 8

Administration and Enforcement

§801. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

[Ord. 592]

5. Issue or deny zoning permits.

6. Maintain a permanent file of all building and zoning permits.

7. Represent the community before the Zoning Hearing Board.

8. Examine and inspect structures and uses whenever and wherever appropriate.

9. Zoning Officer to register all nonconforming uses and structures.

(Ord. 538, 3/19/1979, §600; as amended by Ord. 592, 7/20/1992)

§802. Building Permit.

1. Requirements. A building and zoning permit shall be obtained before any individual or party may:

A. Erect, remove, move, add to or structurally alter a structure.

B. Begin use or change the prior use of any building or land in any zoning district.

2. Fees. Building and zoning permit fees shall be as established by resolution and or ordinance of Council and shall be paid to the Zoning Officer and deposited in the general fund.

(Ord. 538, 3/19/1979, §601)

§803. Application and Procedures for Building Permits.

1. All applications for building permits shall be accompanied by plans in duplicate showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building, or part

of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Chapter and all other pertinent ordinances. One (1) copy of such plans shall be returned to the owner when such plans shall be approved by the Zoning Officer. All applications with accompanying plans and documents shall become a public record, retained in the Borough Office, after a permit is issued or denied.

2. Issuance of Permits.

A. No building permit shall be issued until the Zoning Officer has certified that the proposed building, addition, alteration and/or use complies with all appropriate provisions of the Ordinance. The Zoning Officer shall determine if the building and/or use complies with dimensional standards and use regulations for that zoning district.

B. Special Exception Uses and Variances. The Zoning Officer shall obey all determinations and recommendations in all building permit applications and cases involving special exception and variance procedures in zoning districts.

3. Temporary Building Permits. A temporary building permit may be authorized by the Zoning Hearing Board for a non-conforming structure or use which it deems necessary to promote the proper development of the community provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

(Ord. 538, 3/19/1979, §602)

§804. Inspection by the Zoning Officer. It shall be the duty of the Zoning Officer or his designate to inspect property for which a building permit has been issued. Such inspection shall determine if zoning district dimensional standards and uses have been adhered to.

1. The Borough Building Inspector shall inspect structures for which a building permit has been issued for new construction or substantial alteration of additions to determine compliance with appropriate Borough building and housing codes to protect public health and safety.

2. Records shall be made indicating the time and date of the inspection(s); the findings of the Zoning Officer and/or Building Inspector in regard to conformance to this Chapter or appropriate ordinance. Inspections shall be made as indicated in the Building Code [Chapter 5, Part 1]. Inspector shall be notified twenty-four (24) hours in advance by builder or owner that inspection is required.

3. If the actual construction does not conform to the application, a written notice of a violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

(Ord. 538, 3/19/1979, §603)

§805. Violations. Failure to secure a building permit when required, previous to the erection, construction, extension, addition, or change in use to a building shall be a violation of this Chapter. Any erection, alteration, occupancy and/or use of a structure or use of land in conflict with the provisions of this Chapter shall constitute a violation hereof.

(Ord. 538, 3/19/1979, §604; as amended by Ord. 592, 7/20/1992)

§806. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 592, 7/20/1992)

§807. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event

there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 592, 7/20/1992)

§808. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 538, 3/19/1979, §605; as amended by Ord. 592, 7/20/1992)

§809. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 538, 3/19/1979, §606; as amended by Ord. 592, 7/20/1992)

§810. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the

proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(Ord. 592, 7/20/1992)

§811. Procedure for Borough Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsec-

tions (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 592, 7/20/1992)

§812. Amendments.

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least thirty (30) days prior to the public hearing on the amendment, the Borough shall submit the proposed amendment to the County planning agency for recommendations.

2. Within thirty (30) days after adoption, the Borough Council shall forward a certified copy of the amendment to the County planning agency.

3. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed amendment shall be filed in the County law library (or other County office designated by the County Commissioners).

(27, §812(4))

(27, §812(4))

4. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ord. 592, 7/20/1992)

Part 9

The Zoning Hearing Board

§901. Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(Ord. 538, 3/19/1979, §700; as amended by Ord. 592, 7/20/1992)

§902. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to

the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. 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, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. 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.

6. 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.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. 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, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. 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 after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons 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 within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. 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 their 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 at which the full decision or findings may be examined.

12. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 592, 7/20/1992)

§903. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where

the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 592, 7/20/1992)

§904. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(Ord. 592, 7/20/1992)

§905. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has

been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 592, 7/20/1992)

§906. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given. (Ord. 592, 7/20/1992)

§907. Special Exceptions.

1. Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable

conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

2. Procedures. Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement has been made concerning the following, where applicable:

A. Ingress and egress to property and proposed structures there on with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

B. Off-street parking and loading areas where required, with particular attention to the items in A above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.

C. Refuse and service areas, with particular reference to the items in A and B above.

D. Utilities, with reference to locations, availability, and compatibility.

E. Screening and buffering with reference to type, dimensions and character.

F. Signs, if any, and proposed exterior lighting location with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

G. Required yards and other open space.

H. General compatibility with adjacent properties and other property in the district.

(Ord. 538, 3/19/1979, §702; as amended by Ord. 592, 7/20/1992)

§908. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

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

B. 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 this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

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

E. 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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 538, 3/19/1979, §703; as amended by Ord. 592, 7/20/1992)