

Ordinance #28

An Ordinance regulating and restricting the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, replacement, or removal, and all facilities in or about such buildings and structures, the percentage of the lot that may be occupied, the size, depth, and width of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, manufacturing, residence, and other purposes; establishing districts and boundaries thereof for said purposes; adopting an official Zoning Map; providing for the appointment of a Zoning Board of Adjustment and setting forth the duties and functions of the said Board; providing for the administration and enforcement of this Ordinance and penalties for violation thereof.

Be it ordained and enacted by the Borough Council of the Borough of Deer Lake

Article 1

Title and Purpose

1.100 Application of Ordinance

No building, structure, or land shall be used or occupied, nor shall any building or structure or part thereof be constructed, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.

1.200 Purpose of Ordinance

This ordinance is hereby adopted in accordance with a comprehensive plan which is designed to accomplish the following community development objectives:

1.201 To promote the health, safety, morals, and the general welfare of the community.

1.202 To lessen congestion on streets, roads, and highways.

1.203 To provide adequate light and air.

1.204 To secure safety from fire, flood, panic, and other dangers.

1.205 To prevent the overcrowding of land.

1.206 To avoid undue concentration of population.

1.207 To facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Ordinance #28

1.208 To conserve the value of property, and to encourage the most appropriate uses of land in the Borough by considering, among other things, the character of each district and its suitability for particular uses.

1.300 Short Title

This Ordinance shall be known and cited as the 'Borough of Deer Lake Zoning Ordinance'.

Article 2

Definitions

2.100 Following Definitions Shall be Used

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance: words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and any portion of the building or structure; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; the word "shall" is mandatory and not directory; the word "abut" shall include the words "directly across from"; and the word "occupied" shall mean designed for, used for, or intended for use by.

2.101 Accessory Use or Structure

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

2.102 Alley

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

2.103 Alteration (of Building or Structure)

Any change in the structural members of a building, such as walls, columns, beams, floors, ceilings, whether it be interior or exterior.

2.104 Applicant

A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

2.105 Application for Development

Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited, to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

2.106 Appointing Authority

Ordinance #28

The Council in incorporated towns and boroughs.

2.107 Automobile or Trailer Sales Area

An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers, in operable condition and where no repair work is done.

2.108 Automobile Service Station or Filling Station

A building or place of business where gasoline, oil, and greases, batteries, tires, and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where the following repairs may be rendered:

(a) Major Repair

Includes minor repairs, also collision service including body, frame, or fender straightening or repair; painting or paint shop; mechanical car wash establishments. Does not include operations requiring burning of rubber.

(b) Minor Repair

General repairs and servicing, excluding major repairs as listed above.

2.109 Automobile Wrecking

The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale, or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts.

2.110 Basement

A story partially underground but having one-half or more of its height below the average level of the adjoining ground.

2.111 Board

The Zoning Hearing Board of the Borough of Deer Lake.

2.112 Building

Any structure having enclosed walls and roof permanently located on land.

(a) Building, Detached

A building surrounded by open space on the same lot.

2.113 Building Height

The vertical distance measured from the average level of the highest and lowest portion of the building site covered by the building, to the ceiling of the upper-most story.

2.114 Building, Principal

A building which contains the principal use of the building site on which it is situated. In a residential district a dwelling is a principal building on the zone lot.

Ordinance #28

2.115 Commission

The Borough Planning Commission of the Borough of Deer Lake.

2.116 Common Open Space

A parcel of parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

2.117 Council

The Borough Council of the Borough of Deer Lake.

2.118 County

The County of Schuylkill.

2.119 Development Plan

The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase, "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

2.120 Developer

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

2.121 District

A portion of the territory of the Borough of Deer Lake within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.122 Dwelling

A building designed for and occupied exclusively for residential purposes, including hotel, motel, rooming house, tourist home, institutional home, residential club, motor court, and the like.

(a) Single Family Dwelling

A building designed for and occupied exclusively as a dwelling for one family.

(b) Two Family Dwelling

A building designed for and occupied exclusively as a dwelling for two families.

Ordinance #28

(c) Multiple Family Dwelling

A building not a single family dwelling nor a two family dwelling designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a row house, but customarily called an apartment house.

2.123 Dwelling Unit

A building or portion thereof that provides complete housekeeping facilities for one family.

(a) Permanent Dwelling Unit

A building or portion thereof that provides complete housekeeping facilities for one family for year round use.

(b) Temporary Dwelling Unit

A building or portion thereof that provides complete or partial housekeeping facilities for one family for seasonal or summer use. Such dwelling units may not be occupied more than six (6) months out of any twelve (12) months.

2.124 Engineer

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

2.125 Essential Services

The construction or maintenance, by public utilities or governmental agencies, of gas, electrical, steam, telephone, or water distribution systems. These include equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment which conform to the height regulations of the district in which they are proposed; except that buildings and electric substations are excluded.

2.126 Family

Any number of individuals living together as a single non-profit housekeeping unit and doing their cooking on the premises, excluding however, occupants of a club, fraternity house, lodge, residential club, or rooming house.

2.127 Garage, Private

An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than two (2) commercial vehicles or trucks may be stored in a private garage.

2.128 Garage, Public

Ordinance #28

A structure other than a private garage used for the storage, sale, hire, cars, repair, or refinishing of automobiles.

2.129 General Nuisance

Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

- (a) Fire and explosion hazards.
- (b) Electrical and radioactive disturbances.
- (c) Noise and vibration.
- (d) Dust, Dirt, and fly ash.
- (e) Glare.
- (f) Smoke and odor.
- (g) Other forms of air pollution not listed above.

2.130 Governing Body

The council is borough.

2.131 Hotel

A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals. No cooking is provided in any individual room or suite.

2.132 Junk Yard

Junk yards consist of buildings or premises where junk, waste, discarded, or salvage materials are bought, sold, stored, packed, or handled. Included are automobile wrecking yards, house wrecking, and structural steel materials and equipment. The purchase or storage of used furniture, household equipment, and used cars in operable condition, are not included.

2.133 Junk

Junk includes scrap materials and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, tinfoil, bottles, old tools, machinery, fixtures, appliances, lumber, boxes or crates, pipe and pipe fittings), and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

2.134 Land Development

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (a) A group of two or buildings, or

Ordinance #28

- (b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;

- (2) A subdivision of land.

2.135 Landowner

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this act.

2.136 Lot or Zone Lot

A piece or parcel of land which may be occupied by a principal building or a group of such buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof. It includes open spaces as required by this ordinance, and has frontage on a public street. The lot lines are the property lines bounding the lot.

(a) Lot, Corner

A lot abutting upon the intersection of two or more streets which form an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.

(b) Lot, Depth

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

2.137 Mobile Home

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

2.138 Mobile Home Lot

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

2.139 Mobile Home Park

Ordinance #28

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

2.140 Motor Court or Motel

A building and/or a group of two (2) or more detached or semi-detached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

2.141 Municipality

The Borough of Deer Lake.

2.142 Nonconforming Use

A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

2.143 Nonconforming Structure

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

2.144 Nursing Home

Any premises with less than 15 sleeping rooms where persons are lodged and furnished with meals and nursing care.

2.145 Office Building

A building comprised of more than 50% of offices. Offices with home occupation are not to be considered office buildings.

2.146 Parking Area, Private

An open space or area for the same uses as a private garage, and subject to the same conditions.

2.147 Parking Area, Public

An open area, other than a street or other public way, used for the parking of automobiles, and available to the public.

Ordinance #28

2.148 Planned Residential Development

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

2.149 Planning Agency

A planning commission, planning department, or a planning committee of the governing body.

2.150 Plat

The map or plan of a subdivision or land development, whether preliminary or final.

2.151 Principal Permitted Use

Any use requiring no special action by the Board or Commission before a zoning permit is granted by the Building Inspector, subject to all other applicable provisions of this ordinance.

2.152 Public Grounds

- (1) Parks, Playgrounds, and other public areas; and
- (2) Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.

2.153 Public Notice

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than fourteen days or less than fourteen days from the date of the hearing.

2.154 Recreation

(a) Recreation, Commercial

Recreation facilities operated as a business and open to the general public for a fee.

(b) Recreation, Private, Non-Commercial

Clubs or recreational facilities, operated by a non-profit organization, and open only to its members.

Ordinance #28

(c) Recreation, Public

Recreational facilities operated as a non-profit enterprise by a governmental entity or a non-profit organization, and open to the general public.

(d) Recreational Facility, Outdoor

Any activity normally conducted outdoors, including swimming, tennis, baseball, football, and similar recreational and/or athletic activities. Such activities conducted within an enclosed building or structure shall be considered to be outdoor recreational facilities.

2.155 Rooming House

A dwelling, not a single family or two family dwelling, apartment house, or hotel, providing lodging, with or without meals, and having lodging accommodations for less than ten(10) guests.

2.156 Sign

Any name, identification, description, or illustration display or device which is affixed to, painted or represented upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

(a) Sign, Advertising

A sign which directs attention to a business, commodity, service, or entertainment which is not sold or offered upon the same premises where the sign is located.

(b) Sign, Business

A sign which directs attention to a business, profession, commodity, service, or entertainment which is sold or offered upon the same premises where the sign is located.

(c) Sign, Development

Signs advertising the sale or development of the premises upon which they are erected.

(d) Sign, Directional

Signs indicating the location and direction of premises available for or in process of development, but not erected upon the premises, and bearing the name of the owner, developer, builder, or agent.

(e) Sign, Flashing

An illuminated sign which revolves, or has alternating light or color while in use.

(f) Sign, Gross Surface Area of

The entire area within a single continuous perimeter enclosing the extreme limits of the sign and not passing through or between any adjacent elements

Ordinance #28

of the same. However, the perimeter does not include any structural or framing elements lying outside the limits of the sign and not forming an integral part of the display.

(g) Sign, Institutional

Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature.

(h) Sign, Name Plates and Identification

Signs indicating the names or addresses of the occupant, or a permitted home occupation.

(i) Sign, Sale or Rent

Signs advertising the sale or rental of the premises upon which they are erected; and signs bearing the word "sold" or "rented" with the name of the persons affecting the sale or rental.

2.156.1 Storage Shed

An accessory building for the purpose of storing equipment pertinent to the maintenance of the premises, not to exceed 120 square feet in area and 12 feet in height.

2.157 Story

The portion of a building included between the surfaces of any floor and the floor above it. If there is no floor above it, then the space between the floor and the ceiling next to it.

2.158 Street

A right-of-way, 50 feet wider in width after passage of this ordinance, municipally or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and space for sewers and public utilities.

2.159 Street Line

A dividing line between the street and lot, also known as the right-of-way line.

2.160 Structure

Any form of arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring, or other protection against the forces of the elements.

2.161 Subdivision

The division or re division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development: Provided, however, that the

Ordinance #28

division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

2.162 Tourist Home

Refer to 2.135.

2.163 Use

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

2.164 Variance

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

2.165 Yard

An open, unoccupied space on the same lot with a building or other structure, open and unobstructed from the ground to the sky, except for public utility lines, foliage, or other vegetation.

(a) Front Yard

A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot.

(b) Rear Yard

A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

(c) Side Yard

A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

Article 3

Zoning Map and Zoning Districts

3.100 Official Zoning Map

The Borough of Deer lake 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 part of this ordinance, together with all future notations, references, and amendments.

Ordinance #28

3.101 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Borough Council of the Borough of Deer Lake and attested to by the Borough Secretary, together with the date of the adoption of this Ordinance.

3.102 Changing the Official Zoning Map

If, in accordance with the provisions of this Ordinance and the Borough Code, changes are made in district boundaries or other matters portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Borough Council.

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 Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

3.103 Location of Official Zoning Map

The Official Zoning Map shall be located in the Borough Building or other such place as designated by Borough Council and shall be the final authority as to current zoning status of land and water areas in the borough, regardless of unofficial copies which may have been made or published from time to time.

3.104 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of alterations, the Borough Council may, by resolution, adopt a new Official Zoning Map which shall supercede the prior map. The new Zoning Map may correct drafting or other errors and omissions in the prior Official Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Official Map shall be identified by the signature of the Borough Council, attested by the Borough Secretary, and bearing the following words: "This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted _____ as part of Ordinance # _____ of the Borough of Deer Lake, Schuylkill County, Pennsylvania."

Unless the prior Official 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.

3.200 Classes of Districts

For the purpose of this ordinance, the Borough is hereby divided into classes of districts which shall be designated as follows:

- **R-1** - Residential (Low Density)
- **R-2** - Recreational

Ordinance #28

- **R-3** - Residential (High Density)
- **C-1** - Commercial
- **W** - Watershed

3.300 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

3.301 Designation of District Boundaries

Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, rivers, existing lot lines, or borough lines shall be construed to follow such features indicated. Where a district boundary line does not follow such line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated and running parallel to said line.

3.302 Determination of Location of Boundaries

Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

Article 4

Basic District Regulations

4.100 R-1 – Residential (Low Density)

Purpose:

- (a) To delineate those areas where predominately residential development has occurred or will likely occur.
- (b) To upgrade the character of all residential areas in the Borough by requiring standards of land use, lot and building size which more accurately reflect existing development.
- (c) To protect the integrity of residential areas by prohibiting the incursion of in compatible non-residential uses.

4.101 Permitted Uses

- (a) Single family detached dwellings.
- (b) Two family detached dwellings.

Ordinance #28

- (c) Churches or similar places of worship.
- (d) Public Buildings owned and operated by the Borough.
- (e) Public Libraries, police, and fire protection.

4.102 Permitted Accessory Uses

- (a) Private garage or private parking areas.
- (b) Signs pursuant to Section 5.700.
- (c) Home Occupations.
- (d) Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

4.103 Uses Permitted with Board Approval

- (a) Rooming or Boarding Houses.
- (b) Professional Offices.

4.104 Minimum Lot Size

(a) Minimum Area

- (1) With Public Water and Public Sewerage - 11,750 square feet
- (2) With Public Sewerage only - 11,750 square feet
- (3) With Public Water only - 24,000 square feet
- (4) With On-lot Water and Sewerage - 24,000 square feet

- (b) Minimum Width - 99 feet

4.105 Minimum Yard Dimensions

- (a) Front Yard - 25 feet
- (b) Each Side Yard - 15 feet
- (c) Rear Yard - 30 feet

Ordinance #28

4.106 Maximum Building Coverage

- (a) Maximum building coverage including accessory structures - 25%
- (b) Maximum building height
 - (feet) - 35
 - (stories) - 2-1/2

4.200 R-3 – Residential (High Density)

Purpose:

To delineate those areas suitable for higher density residential development; including, Mobile Home Parks and Multi-Family Dwellings.

4.201 Permitted Principal Uses

- (a) Any use permitted in R-1 Residential District.
- (b) Two Family Dwellings.
- (c) Multi-Family Structures in accordance with supplementary regulations stated in Article 5, Section 5.400.
- (d) Mobile Home Parks in accordance with supplementary regulations stated in Article 5, Section 5.400.
- (e) Free Standing Mobile Homes in accordance with supplementary regulations stated in Article 5, Section 5.400

4.202 Permitted Accessory Uses

- (a) Any use permitted in R-1 Residential.
- (b) Commercial service facilities intended to serve Multi-family.
- (c) Other accessory uses customarily incidental to the principal use.

4.203 Minimum Lot Dimensions

(1) Multi-Family Dwellings

- (a) Minimum Lot Area 6,000 square feet
- (b) Minimum Lot Area per Dwelling Unit 3,000 square feet

Ordinance #28

(c) Minimum Lot Width	50 feet
(d) Minimum Lot Depth	120 feet
(e) Minimum Front Yard	25 feet
(f) Minimum Each Side Yard	10 feet
(g) Minimum Rear Yard	30 feet
(h) Maximum Building Coverage (including Accessory Buildings)	27%
(i) Maximum Building Height (feet)	35
(j) Maximum Building Height (stories)	2-1/2

(2) Mobile Home Parks

(a) Minimum Lot Area	24,000 square feet
(b) Minimum Lot Area per Dwelling Unit	6,000 square feet
(c) Minimum Lot Width	200 feet
(d) Minimum Lot Depth	100 feet
(e) Minimum Front Yard	25 feet
(f) Minimum Side Yard (Each)	10 feet.
(g) Minimum Rear Yard	25 feet
(h) Maximum Building Coverage (including Accessory Buildings)	30%
(i) Maximum Building Height	15 feet
(j) Maximum Building Height (stories)	1

(3) Free Standing Mobile Homes

(a) Minimum Lot Area	6,000 square feet
(b) Minimum Lot Area per Dwelling Unit	6,000 square feet
(c) Minimum Lot Width	50 feet

Ordinance #28

(d) Minimum Lot Depth	120 feet
(e) Minimum Front Yard	20 feet
(f) Minimum Side Yard (Each)	10 feet
(g) Minimum Rear Yard	25 feet
(h) Maximum Building Coverage (including Accessory Buildings)	30%
(i) Maximum Building Height	15 feet
(j) Maximum Building Height (stories)	1

4.300 R-2 – Recreation

Any area, designated by the Borough Council of the Borough of Deer Lake, and so defined under Section 2.100, and specifically part 2.154 of the Definitions.

4.400 C-1 – Commercial

4.401 Permitted Uses

- (a) Retail stores or shops for the conducting of any retail business.
- (b) Business, professional, or government offices and office buildings.
- (c) Banks, savings, and loan associations.
- (d) Gasoline service stations
- (e) Car Washes
- (f) Bowling Alleys
- (g) Restaurants, cafes, taverns, and other places serving food and beverages.
- (h) Theaters or motion picture theaters, except drive-ins.
- (i) Automotive sales with accessory service facilities.
- (j) Hotels, Motels.

4.402 Permitted Accessory Uses

Located on the same lot with the permitted principal use.

Ordinance #28

- (a) Off-street parking areas pursuant to Section 5.800.
- (b) Signs pursuant to Section 5.700.
- (c) Customary accessory uses and buildings, provided such are clearly incidental to the principal use.
- (d) Accessory use not located on the same lot with the principal use.
- (e) Any other uses as determined by the Board to be of the same general character as the permitted use.

4.403 Minimum Lot Size

Area:

Per construction site	-	20,000 square feet
Per Unit of Use	-	10,000 square feet

4.404 Minimum Yard Dimensions

Front Yard	-	25 feet
Each Side Yard	-	20 feet
Rear Yard	-	25 feet
Distance between buildings	-	30 feet

4.405 Maximum Building Coverage and Height

Maximum Building Coverage	-	35%
Maximum Building Height	-	25 feet
Maximum Paved Area	-	45%

4.500 W-1 – Watershed

All that certain tract of land, situated in the Township of West Brunswick and the Borough of Deer Lake, which serves as a watershed and is contiguous to the area of the reservoir owned by the Citizens Water Association of Deer Lake.

4.501 This district is subject to all rights, stipulations, and boundary lines of an agreement of lease between the Borough of Deer Lake and the Citizens Water Association of Deer lake, duly sealed and dated the eighth (8th) day of November, 1996.

4.502 Regardless of cancellation of the lease by either party, and for any reason, the area described in the lease shall remain and still be considered a watershed area.

Ordinance #28

Article 5

Supplementary Regulations

5.100 Additional Regulations for all Districts

5.101 Visibility at Intersections in Residential Districts

On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bound by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

5.102 Fences, Walls, and Hedges

Notwithstanding other provisions of this ordinance, fences, wall, and hedges may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge along the front yard shall be over three and one-half (3-1/2) feet in height.

5.103 Erection of more than one Principal Structure on a lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

5.104 Exceptions to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

5.105 Structures to have access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

5.106 Corner Lot Restriction

On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard on said side street by the prevailing zoning district.

5.107 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of

Ordinance #28

such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

5.108 Lot Area and Lot Width for Lots not served with Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewerage system and the Borough Regulations or other state or local ordinance in force require a higher standard for lot area or lot width than this ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.

5.109 Front Yard Exceptions

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district,, the front yard required may be reduced to a depth equal to the average of the two adjoining lots.

5.110 Projections into Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.

- (a) Terraces or patios, provided that such terraces or patios are unroofed or otherwise enclosed and are not closer than three (3) feet to any adjacent property line.
- (b) Projecting architectural features such as bay windows, cornices, eaves, fireplaces, chimneys, and window sills, or other architectural features, provided that any single feature does not exceed five (5) square feet in external area.
- (c) Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3' – 6") in height.
- (d) Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any yard nor closer than three (3) feet to any adjacent property line.

5.200 Home Occupation Regulations

In any residential district, all dwelling units with direct access to a public street may be used for the practice of a home occupation provided such occupation is incidental or secondary to the use of the property as a residence.

5.201 Standards

- (a) The professional office of a doctor of medicine, surgeon, dentist, architect, lawyer, accountant, insurance agent, tax collector, engineer, music or voice instructor (if limited to a single pupil at a time), dressmaker, milliner,

Ordinance #28

or seamstress shall be deemed to be a "home occupation", provided that the principal person so employed is a resident of the dwelling.

- (b) Any other use conducted within a dwelling unit and carried on by the inhabitants thereof, provided the principal person so employed is a resident of the dwelling.
- (c) Home occupations shall be limited to the employment of not more than two (2) assistants.
- (d) Two off-street parking spaces, in addition to those required of the residence units, shall be required.
- (e) A home occupation shall not occupy more than twenty five (25) percent of the total floor area of the dwelling unit.

5.300 Accessory Uses or Structures

5.301 No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5) feet of any other building.

5.301.1 A storage shed shall not be located closer to the street than the required front yard setback nor within five (5) feet of the side or rear lot lines.

5.302 Private non-commercial swimming pools, which are designed to contain a water depth of twenty four (24) inches or more must be located in a rear or side yard only, and entirely enclosed with a permanent continuous fence not less than six (6) feet in height. Such pools shall be not less than fifteen (15) feet from the side and rear property lines, nor occupy more than twenty five (25) percent of the minimum required yard.

5.303 Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear property lines.

5.304 Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property line.

5.305 No non-residential activities shall be permitted in any residential zone except those permitted by home occupation regulations, Section 5.200 of this ordinance and specifically stated in the applicable zoning district.

Ordinance #28

5.306 No agricultural activities, use or individual gardens for home consumption shall occupy more than one half of the minimum required open area required by the applicable zoning district.

Nothing in this section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to public health, safety, and/or welfare of the community.

5.400 Multi-Family Dwellings and Mobile Home Parks

(1) Site Plan Specifications

Application for multiple dwellings and Mobile Home Parks shall require the submission of a site development plan to the Borough Planning Commission. Upon approval of the commission, the plans shall be submitted to the Zoning Hearing Board. Said plans are required to show all structures, roadways, path walks, parking areas, recreation areas, utility and exterior lighting installations, and landscaping on the site, all existing structures and usages within 200 feet of the site boundaries and any other elements as may be deemed essential by the Planning Commission or the Zoning Hearing Board.

(2) Developer shall provide a continuing supply of safe and potable water as approved by the Pennsylvania Department of Environmental Resources. The developer shall provide a connection to public sanitary sewage disposal facilities of the Borough.

(3) Mobile Home Parks and individual mobile homes shall comply with all the regulations of the State of Pennsylvania for Mobile Home Parks with the following additional regulations.

(a) Mobile homes in a Mobile Home Park may be clustered provided the average lot area of 6,000 square feet is maintained. The resulting Common Open Space shall be maintained for the use of tenants of the Mobile Home Park.

(b) No mobile home shall be located closer than 30 feet to any property line defining the external boundary of the park. Individual mobile homes shall comply with Article 4, Section 4.203 – 3.

(c) The minimum side clearance between any two adjacent mobile homes shall be 30 feet.

(d) Roadway or area lighting shall be directed away from adjacent properties.

(e) The commercial sale of mobile homes from Mobile Home Parks by a mobile home dealer shall be prohibited.

Ordinance #28

- (f) Tenants in a Mobile Home Park or individual mobile homes may construct attached enclosures to individual mobile homes, provided such enclosures do not exceed 100% of the floor area of the mobile home and are no wider than 12 feet and provided such enclosures comply with all lot coverage regulations specified in Article 4.
- (g) All mobile homes shall be installed on permanent foundations and shall be provided with skirting on all sides and ends of the mobile home.
- (h) Areas occupied by commercial service facilities intended to serve tenants of this Mobile Home Park shall not be included in the area of the Mobile Home Park when establishing the minimum 6,000 square feet per dwelling unit.

5.500 Junk Yards

No Junk Yards, as defined under definitions, specifically Section 2.123, shall be permitted within any district.

5.600 Sign Regulations

5.601 Area of Sign

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 closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Double face signs shall be considered two signs unless both faces are identical.

5.602 Permitted Signs

In zoning districts, the maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

(a) All Districts

- (1) Official traffic or directional signs and other Official Federal, State, County, or Borough government signs.
- (2) Temporary sign announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon completion of the campaign, drive, or event.

Ordinance #28

- (3) Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- (4) Temporary signs of contractors, developers, architects, engineers, builders, and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.
- (5) Trespassing signs, signs indicating the private nature of a road, driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

(b) Residential Districts

- (1) Home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one (1) such sign shall be erected for each permitted use or dwelling and provided that the area of such sign shall not exceed two (2) square feet, and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of the street line. Such sign may be interior lighted in the cases of the office of a physician or dentist only.
- (2) Sign, bulletin, announcement board, or identification sign for schools, churches, hospitals, sanitariums, clubs, multi-residents, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.
- (3) Sign offering the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.
- (4) Sign denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, etc. or in a hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) such sign on any one street frontage.

Ordinance #28

(c) Commercial Districts

- (1)** Business or commercial signs attached or displayed on the surface of a building to which it relates, provided that such sign is limited to thirty (30) square feet and not more than one (1) sign on any one street frontage.
- (2)** Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election, provided that such sign shall not exceed six (6) square feet, shall be removed within two (2) weeks after the date of such event, shall not be posted earlier than two (2) weeks before the date of such event, and that political posters shall not be posted one (1) month prior to an election.
- (3)** Business or commercial sign on the same lot as the use to which it relates, provided that such sign shall be limited to two (2) square feet for each linear foot of horizontal building façade length, but not to exceed an aggregate area of one hundred sixty (160) square feet.
- (4)** Special temporary promotional devices, signs, or displays, such as banners or pennants for a period not to exceed fifteen (15) days in any one (1) calendar year.

5.603 Supplemental Sign Regulations

(a) Projection

No sign shall project more than twelve (12) inches from the building façade to which it is attached. No free standing sign may project beyond the property line.

(b) Height

No sign that is part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Free standing signs shall meet the height requirements of the particular district in which it is located.

(c) Clearance

No sign structure erected directly upon the ground shall have less than three (3) feet of clear space between such sign and the ground, however, necessary supports may extend through such open space.

(d) Street Intersection

No sign shall be erected, attached, or displayed within twenty five (25) feet of the point of intersection measured at the street line, at a street corner.

(e) Illumination

Ordinance #28

Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights, provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.

(f) Placement

No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within the street line. No sign shall be located within ten (10) feet of any side property line.

(g) Construction

All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

(h) Non-Conforming Signs

Non-conforming signs, once removed, shall be replaced only with conforming signs, however, non-conforming signs may be painted or repaired, providing such painting or repairing does not exceed the dimensions of the existing sign.

5.700 Parking and Loading Requirements

5.701 Off-Street Parking

(A) Minimum Parking Requirements

Any building or structure erected, enlarged, altered, or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces set forth herewith.

- (1) One and two family residential dwellings:**
 - (a)** Two (2) parking spaces for each dwelling unit.
 - (b)** Multi-family dwellings shall have one and one-half (1-1/2) parking spaces for each unit.
- (2)** Church, school, theater, Public Auditorium, etc. shall have one (1) parking space for every 5 seats provided.
- (3)** Hotels, motels, etc. shall have one (1) parking space for each rental unit.
- (4)** Eating Establishments shall have one (1) parking space for every 4 seats.

Ordinance #28

- (5) Retail Stores shall have one (1) parking space for each one hundred (100) square feet of gross floor area.
- (6) Wholesale Establishments or warehouses shall have one (1) parking space for each two (2) employees in maximum shift but at least one (1) space for each five thousand (5,000) square feet of gross floor area.
- (7) Manufacturing and Commercial Uses not otherwise specified shall provide one (1) parking space for each two (2) employees on maximum shift but at least one (1) space for each five thousand (5,000) square feet of gross floor area.
- (8) Offices shall have one (1) space for each four hundred (400) square feet of net rentable floor area.
- (9) Hospitals, convalescent homes, etc. shall have one (1) parking space for every four (4) beds.
- (10) Bowling Alleys shall have five (5) parking spaces for each lane.
- (11) Drive-In Eating Establishments shall have one (1) parking space for each 750 square feet of lot area.
- (12) Other uses not specified shall have the same requirements as for the most similar use listed.

(B) Share Parking

One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

(C) Fractional Space

When required parking computations result in fractions, any fraction below $\frac{1}{2}$ may be disregarded and any fraction over $\frac{1}{2}$ shall be construed to require a full space.

(D) Reduction of Existing Parking

Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for the particular district.

(E) Paving

All required parking areas and all access drives for commercial or industrial uses shall have a hard all-weather surface.

(F) Parking and Storage of Certain Vehicles

Ordinance #28

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(G) Services

No service of any kind shall be permitted in any accessory parking facility.

Article 6

Non-Conforming Lots, Uses, Structures, and Premises

6.100 Statement of Intent

Within the zoning districts established by this ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments thereto.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on.

6.200 Non-Conforming Lots of Record

If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of the passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot width and/or area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this ordinance, except upon express approval of the Zoning Hearing Board. If two or more lots, combinations of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements established for lot width and/or area and lots have been approved by the Zoning Hearing Board, no further approval is deemed necessary.

6.300 Non-Conforming Uses of Land

Lawful uses of land, which at the effective date of this Ordinance or subsequent amendment thereto to become non-conforming and where such use involves no individual structure with a replacement cost exceeding \$1,000, such non-

Ordinance #28

conforming use or uses may be continued by the present or subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

6.301 Extension

No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

6.302 Discontinuance

Whenever a non-conforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files a certificate of intention to maintain such use. Any future use shall be in conformity with the provisions of this Ordinance.

6.303 Changes or Moving of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to a non-conforming use. A non-conforming use may be changed to a conforming use or to a non-conforming use of a more restrictive classification. A non-conforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Ordinance.

6.304 Additional Structures

No additional structures not conforming to the requirements of this Ordinance shall be erected in conjunction with such non-conforming use of land.

6.400 Non-Conforming Structures

Lawful non-conforming structures which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

6.401 Enlargement

No such non-conforming structure may be altered or enlarged in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

6.402 Damage or Destruction

A non-conforming structure which is destroyed or partially destroyed by fire, explosion, act of God, or by any means to an extent of 50% or more of the market valuation of such structure as determined from the assessment rolls effective at the date of damage or destruction, such non-conforming structure shall not terminate and it may be reconstructed only within the parameters of its existing foundation and reconstructed otherwise in conformity with the provisions of this Ordinance.

Ordinance #28

6.403 Moving of Structure

No non-conforming structure shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6.500 Non-Conforming Use of Structures or of Structures and Premises in Combination

Lawful non-conforming structures with a replacement cost of \$1,000 or more, or of structures and premises in combination, exists at the effective date of this Ordinance or subsequent amendments thereto, that would not be allowed in the districts under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

6.501 Enlargement

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

6.502 Change of Use

If no structural alterations are made, non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making finds in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

6.503 Discontinuance

Any structure, or structure and land combination, in or on which a non-conforming use is superceded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three year period (except where government action impedes access to the premises), the structure, or structures and premises in

Ordinance #28

combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6.504 Destruction

Where a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

6.600 Repairs and Maintenance

6.601 Repair or Replacement

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming structure or portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

6.602 Unsafe or Unlawful Structures

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6.700 Uses Under Special Exception Provisions not Non-Conforming Uses

Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Article 7

Zoning Hearing Board

7.100 Creation, Appointment, Organization

Ordinance #28

7.101 Creation of Board

The Borough Council of the Borough of Deer Lake hereby creates a Zoning Hearing Board, herein referred to as the Board, consisting of three (3) members, appointed by the Borough Council of the Borough of Deer Lake, pursuant to the Borough code, who shall perform all the duties and have all the powers prescribed by State Statutes and as herein provided.

7.102 Appointment

One member of the Board shall be designated to serve until the first day of January following adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three years.

7.103 Removal

Members of the Board shall be removable for cause by the Borough Council upon written charges and after a public hearing.

7.104 Vacancies

Vacancies shall be filled by appointment by the Borough Council for the unexpired term of any member whose term becomes vacant.

7.105 Compensation

The members of the Board shall receive such compensation as shall be determined by the Borough Council. No compensation shall be paid for any meetings in which only questions considered in the prior meeting are acted upon. Any compensation shall be paid from fees, a schedule of which shall be fixed by the Borough Council with the advice of the Board, for the filing of appeals or petitions. Only one fee shall be charged for the appeal or petition relative to any one property regardless of the number of meetings required for the determination of the questions raised.

7.106 Organization

The Board may promulgate such rules of procedure, not inconsistent with this Ordinance and State Statutes, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board.

7.107 Meetings

Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

7.108 Minutes and Records

Ordinance #28

The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact the Board shall keep records of its examinations and other official action, all of which shall be immediately filed with the Borough Secretary and shall be a public record.

7.200 Powers and Duties

The Zoning Hearing Board shall have the following powers:

7.201 Interpretation and Review

- (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Officer in the enforcement of this Ordinance.
- (b) To interpret the provisions of this Ordinance, with the advice of the Borough Solicitor and the Borough Planning Commission, where there is a doubt as to its meaning or application. To determine the exact location of a district boundary line on the Zoning Map that forms a part of this Ordinance when the Zoning Officer is unable to make such determination. The Board shall carry out the intent and purpose of this Ordinance and Zoning Map when making such determinations.
- (c) Any other matter relating to this Ordinance when an appellant seeks a review of any decision, order, or ruling made by the Zoning Officer.

7.202 Variance

To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in particular difficulty or unnecessary hardship.

- (a) The Board may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots or other exceptional topographic or physical conditions, whereby such strict application would deprive the owner of the reasonable use of the land or buildings involved, but in no other case, no variance of the strict application of any provision of this Ordinance shall be granted by the Board unless it finds:
 - (1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land, structure, or buildings and which are not applicable generally to other lands, structures, or buildings in the same district.

Ordinance #28

- (2) That said special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether in violation of the provisions herein or not, and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land, structure, or building.
- (3) That for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land and buildings and that the variance as granted by the Board is the minimum variance that will accomplish
- (4) That the granting of the variance under such conditions as the Board may deem necessary or desirable, will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (5) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.
- (b) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structure, or buildings, in other districts shall be considered grounds for the granting of a variance.
- (c) In no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.
- (d) The jurisdiction of the Borough Council shall not be infringed upon by action of the Board in any matter which should appropriately be the subject for an amendment to the Zoning Ordinance or Zoning Map. No variance shall be granted under this section to allow a structure or use in a zone restricted against such structure or use.

7.203 Special Exceptions

To hear and decide only such special exceptions to the terms of this Ordinance upon which the Board is specifically authorized to pass upon by the terms of this Ordinance. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following conditions and guiding principals:

- (a) Such use shall be one which is specifically authorized as a special exception use in said district.

Ordinance #28

- (b) Such permits shall only be granted subject to any applicable condition and safeguard as required by this Ordinance.
- (c) Such permit may be granted subject to additional conditions and safeguards as may be deemed by the Board to be advisable and appropriate.
- (d) Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.
- (e) Such use shall not adversely affect the character of the district, nor the conservation of property values nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (f) Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion and hazards prejudicial to the general neighborhood.
- (g) Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Planning Commission of the Borough of Deer Lake.

7.300 Procedures for Application to the Zoning Hearing Board

The Zoning Hearing Board shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the Ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which a specific permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

7.301 Appeals

Appeals to the board may be taken by any person or Borough official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Application for appeal and a filing fee, as established, shall be submitted to the Secretary of the Board of Adjustment. Fees shall be charged in order to cover

Ordinance #28

the costs of examining applications and plans and other expenses incurred by the Board.

7.302 Notice of Hearing

The Zoning Hearing Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within forty five (45) days after hearing, or if said hearing is continued, within forty five (45) days after said continuance. The reasons for granting or denying an appeal shall be given in writing to all concerned parties. If the Zoning Hearing Board does not make a decision within the prescribed time, it shall be deemed that the Board had favored the person or official aggrieved or affected who is seeking relief. At the hearing, any party may appear in person or by agent or by an attorney.

All application and necessary exhibits for all special exceptions shall be submitted to the Planning Commission for their review and recommendations. If the Planning Commission does not make a decision within thirty (30) days, it shall be deemed that such Planning Commission has decided in favor of the person or official aggrieved or affected who is seeking relief.

7.400 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Officer certified to the Zoning Hearing Board, after the nature of the appeal shall have been filed, that by reason of facts stated on the certificate, a stay would in his opinion cause imminent peril to life and property. In such case, proceedings shall be stayed otherwise by a restraining order, which may be granted by the Zoning Hearing Board or by a court of record on application, on notice to the Zoning Officer and due cause shown.

7.500 Appeal for Decision of the Zoning Hearing Board

Any person, taxpayer, or the Borough Council aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such issuance of the notice such decision by the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the commonwealth of Pennsylvania.

Article 8

Administration

8.100 Enforcement

8.101 Zoning Officer

Provisions of this Ordinance shall be administered and enforced by the Borough Secretary or by such other person as may be designated by the Borough Council as the Borough Zoning Officer.

Ordinance #28

8.102 Duties and Powers of Zoning Officer

It shall be the duty of the Zoning Officer to enforce all provisions of this Ordinance and of all rules, conditions, and requirements adopted or specified pursuant thereto, and he shall have duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

- (a) He shall receive applications for and issue zoning permits and sign permits.
- (b) An official record shall be kept by the Zoning Officer of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in conjunction with any structure, building, sign, and/or land, shall be retained as long as they remain in existence.
- (c) He shall make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter any land at any reasonable hour in the course of his duties.
- (d) He shall issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
- (e) He shall be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.

8.200 Zoning Permits

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

8.201 Form of Application

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

- (a) Actual dimensions and shape of the lot to be built upon.
- (b) The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto.

Ordinance #28

- (c) The number of dwelling units, if any, to be provided.
- (d) Parking spaces provided and/or loading facilities.
- (e) Statement indicating the existing or proposed use.
- (f) Height of structure, building, or sign.
- (g) All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

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

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

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

8.202 Expiration of Zoning Permit

The Zoning permit shall expire within ninety (90) days from the date of issuance, if work described has not begun. If work has begun, said permit shall expire after two (2) years from the date of issuance thereof.

8.300 Certificate of Use and Occupancy

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

8.301 Form of Application

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

8.302 Issuance of Certificate of Use and Occupancy

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

Ordinance #28

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

8.400 Schedule of Fees, Charges, and Expenses

The Borough Council shall establish a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, and appeals and all other matters pertaining to this Ordinance.

The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by the Borough Council.

Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

8.500 Amendments

The regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed by the Borough Council on their motion, or petition by owners of fifty (50) percent or more of the property for which a change is sought, with such petition duly signed or acknowledged or upon recommendations of the Planning Commission.

8.501 Procedure

The following procedures shall be observed prior to making any amendment, supplement, change, modification, or repeal of this Ordinance or parts thereof:

- (a) Every such proposed amendment, supplement, change, modification, or proposed repeal, whether initiated by the Borough Council, Planning Commission, or by petition, shall be referred to the Planning Commission for report thereon before the public hearing hereinafter provided for.
- (b) The findings of the Planning Commission shall be submitted in writing to the Borough Council recommending or disapproving the proposed action. Failure of the Planning Commission to submit their findings within thirty (30) days shall constitute approval by the Planning Commission.

8.502 Public Hearing

The Borough Council shall schedule a public hearing for discussion of the proposed amendments. Such meeting may be held at their regularly scheduled meeting. At least fifteen (15) days notice of such public hearing shall be published twice in a newspaper of general circulation in the Borough.

8.503 Notice of Hearing

At least fifteen (15) days prior to the public hearing the Borough Secretary or, if on petition, the petitioner or petitioners shall serve, by registered or certified mail upon every owner of land whose name appears on the latest tax rolls,

Ordinance #28

whose land is included in such proposed change and those immediately adjacent in the rear or in the front or to either side thereof, extending one hundred (100) feet from the street frontage of such opposite lots, a written notice of the time and place of such public hearing and the purpose thereof. Proof that notice was given shall be filed with the Borough Secretary not less than four (4) days prior to the public hearing.

8.504 Protest Against Change

In case of a protest against amendment, Supplement, change, modification, or repeal, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear, front, or either side thereof extending one hundred (100) feet from the street frontage of opposite lots, such amendments shall not become effective except by the favorable vote of majority of Borough Council.

8.600 Remedies

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

8.700 Penalties

For any and every violation of the provisions of this ordinance, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire land where such violation has been committed or shall exist, and the general agent, architect, building contractor, or any other person who knowingly commits, takes part in, or assists in any such violation or who maintains any such buildings or land in which any such violation shall exist, shall upon conviction, before any Justice of the Peace of the Borough, be fined not less than ten (\$10.00) Dollars and not more than three hundred (\$300.00) Dollars, together with costs of prosecution, and each days continuance of the offense shall constitute a new offense. All such fines and penalties shall be paid to the Borough Treasurer for the general use of the Borough. In default of payment of any fine or penalty imposed under the provisions of this Ordinance, the person or persons so offended shall be committed to the jail of this County for a period of not more than thirty (30) days.

8.800 Public Utilities Corporation Exempted

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the

Ordinance #28

corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

8.900 Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

8.1000 Repeal of Conflicting Ordinances

All Ordinances or parts thereof that are inconsistent herewith are hereby expressly repealed.

8.1100 Effective Date

This Ordinance shall become effective ten (10) days after the date of final passage.

Duly enacted by the Borough Council of the Borough of Deer Lake, Schuylkill County, Pennsylvania, this 8th day of June, 1971 in lawful session duly assembled.

Approved: June 8th, 1971

Ordinance #28 Amendment

June 9th, 1987 Deer Lake, PA. Borough Council Meeting

Amendment to the Borough of Deer Lake Zoning Ordinance

The Official Zoning Map of Deer Lake is hereby amended to change the following described area from R-1 District to a C-1 District.

All that certain parcel of land beginning at the northeastern corner of U.S. Route #61 and Lake Front Drive; thence eastwardly along U.S. Route #61 157.5 feet more or less to the premises of Henry L. J. Martel; thence northwardly along the western line of premises of Henry L. J. Martel 130 feet, more or less to premises of Henry L. J. Martel thence westwardly along the same 157.5 feet, more or less to the eastern line of Lake Front Drive and thence southwardly along the same 130 feet, more or less to U.S. Route #61, the point of the beginning.

Duly enacted by the Borough Council of the Borough of Deer Lake, Schuylkill County, Pennsylvania, this 9th day of June 1987, in lawful session duly assembled.

Ordinance #28 Amendment

July 11th, 1989 Deer Lake, PA. Borough Council Meeting

Amendment to the Borough of Deer Lake Zoning Ordinance

The Official Zoning Map of Deer Lake is hereby amended to change the following described area from R-1 District to a C-1 District.

All that certain parcel of land situate in the Borough of Deer Lake (formerly West Brunswick Township) County of Schuylkill and state of Pennsylvania, bounded and described as follows, to wit:

Marked as Lot #636 on a certain plan of lots laid out by George H. Steidel, Engineer, and known as "Deer Lake in the Pines", which said plan is recorded in the Recorder's Office in and for Schuylkill County, Pennsylvania, in Deed Book 505, Page 361.

Containing in front on Pottsville-Reading Highway, U.S. Route #61, Eighty two (82") feet six (6") inches and in length or depth one hundred fifty (150') feet as shown on the aforesaid plan. Bounded on the east by Laurel Road; on the south by the said Pottsville-Reading Highway; on the west by Lot #637, the premises of Vivian M. Blotter; and on the north by Lot #55, the premises of Henry Martel. Together with the one story log cabin erected thereon.

Duly enacted by the Borough Council of the Borough of Deer Lake, Schuylkill County, Pennsylvania, this 11th day of July 1989, in lawful session duly assembled.