

Chapter 340, ZONING

[HISTORY: Adopted by the Borough Council of the Borough of East Washington 9-11-1972 by Ord. No. 350. Amendments noted where applicable.]

GENERAL REFERENCES

Park and Shade Tree Commission -- See Ch. 42.

Planning Commission -- See Ch. 53.

Zoning Hearing Board -- See Ch. 89.

Dwelling unit occupancy -- See Ch. 166.

Sewers -- See Ch. 262.

Subdivision and land development -- See Ch. 295.

Private swimming pools -- See Ch. 301.

Trees -- See Ch. 318.

ARTICLE I, General Provisions

§ 340-1. Title.

§ 340-2. Long title.

An ordinance to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of population, the intensity of use, the provision of off-street parking and loading spaces and similar accessory regulations for the Borough of East Washington, Washington County, Pennsylvania, and for such purposes to divide the Borough into zoning districts, and further, to provide for administrative enforcement and amendment thereof, in accordance with the provisions of Act No. 247, Pennsylvania Municipalities Planning Code, and to repeal all ordinances, or portions thereof, in conflict herewith.

§ 340-3. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of East Washington, Washington County, Pennsylvania," hereinafter referred to as the "Zoning Ordinance" or "this chapter."

§ 340-4. Zoning District Map. EN

The map showing the division of the Borough into the designated zoning districts shall be known as the "Borough of East Washington Zoning District Map." Said map and all the notations, references and other data shown thereon are an integral part of this chapter.

§ 340-5. General intent and community development objectives.

The provisions of this zoning chapter are made in accordance with the Comprehensive Plan of the Borough and are intended to achieve the following goals:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

§ 340-6. Comprehensive Plan.

This chapter is adopted to promote an orderly plan of development according to the East Washington Borough Comprehensive Plan, as amended. Said Comprehensive Plan establishes policy in regard to land use, density of population, location and function of streets and other community facilities and utilities, among others. In the administration of this chapter, said Comprehensive Plan and policy goals and objectives contained therein shall be considered as legislative history. As such, when necessary, the material contained therein shall be utilized to establish policy in the interpretation of this chapter.

§ 340-7. Interpretation of zoning standards.

- A. Minimum and uniform regulations. The regulations established by this chapter within each and every district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land in each district.
- B. For new uses and structures: In all districts after the effective date of this chapter, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
- C. For existing uses and structures: In all districts after the effective date of this chapter, any existing building or other structure or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of this chapter.

§ 340-8. Establishment of zoning districts.

- A. For the purpose of this chapter, the Borough of East Washington, in its entirety, is hereby divided into the following districts:

Residential Districts

- R-1 Low Density
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-P Planned Residential District

B. Zoning District Map. The East Washington Borough Zoning Map shall be kept on file with the Borough Secretary.

C. District boundary lines. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets, the limits of the Borough, or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Borough Council shall prevail.

D. Zoning district boundary tolerances. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the use regulations applicable to the more restrictive district shall apply. The most restrictive district shall be the R-1 District, followed in descending order by R-2 and R-3.

§ 340-9. Word usage and definitions. [Amended 9-16-1985 by Ord. No. 404]

A. Language interpretations. For the purpose of this chapter, certain terms and words are herein defined:

- (1) Words use in the present tense include the future;
- (2) The word "person" includes an individual, tenancy in common, tenancy by the entireties, corporation, partnership, incorporated association, unincorporated association, or similar entity;
- (3) Words in the masculine gender shall include the feminine and the neuter gender; and
- (4) Words not defined in this section shall have the meaning given in Webster's New International Dictionary, unabridged, current edition.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING -- A subordinate building, the use of which is customarily incidental to that of the principal building, located on the same lot as the principal building, including, but not limited to, garages.

ACCESSORY USE -- A use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to and customarily found to be subordinate to a particular principal use.

ADVERTISING SIGN -- See "sign" and "billboard."

ALLEY -- See "street."

ALTERATIONS, MINOR -- All incidental changes in or replacements to nonstructural parts of a building.

ALTERATIONS, STRUCTURAL -- Any change in rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

APARTMENT -- See "dwelling, multiple."

AREA OF BUILDING -- See "lot coverage."

BASEMENT or CELLAR -- An enclosed area of a structure partly or completely below grade having half or more than half of its clear height below the average grade of the adjoining grade.

BILLBOARD -- A sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted or lettered. It may be either freestanding or attached to a surface of a building or other structure.

BOARD -- All references to "the Board" are to "the Zoning Hearing Board" created by this chapter.

BOROUGH COUNCIL or COUNCIL -- The Borough Council of the Borough of East Washington.

BUFFER AREA -- A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material.

BUILDING -- A structure or appendage to a structure, or any part thereof, which is permanently affixed to the land, has one or more floors or stories and is bounded by either lot lines or yards. A building does not include such structures as fences or structures with interior surfaces not normally accessible to human use, such as oil tanks or similar structures.

BUILDING LINE -- An established line within a property defining the minimum required distance between an existing or proposed structure and any projection thereof, except steps and an adjacent right-of-way or street line.

BUILDING SITE or LOT -- A parcel of land owned by one person, occupied or intended to be occupied by a single principal building or single principal structure; a "building site" shall be synonymous with a "lot" or "parcel" of land.

BULK or VOLUME -- The volume of building or structure indicating the total space enclosed by the exterior walls and roof.

CARPORT -- A partially enclosed accessory roofed structure used for the purpose of parking an automobile.

CONDITIONAL USES -- Conditional uses are those which may be allowed or denied by the Borough Council, after recommendations by the Planning Commission, pursuant to express standards and criteria as set forth within this chapter.

CONDOMINIUM -- A structure where each unit in the structure is individually owned and the owner of each unit has a proportional interest in the common areas and facilities of the structure and the parcel.

CORNER LOT -- A lot bounded on at least two sides by streets.

DETACHED HOUSE -- A single-family dwelling on a lot which has yard area on all four sides.

DOG KENNEL -- The keeping of three or more dogs that are more than six months old.

DWELLING -- Any building which is designed for or occupied in whole or in part as a home, residence or sleeping place of one or more persons, either permanently or temporarily. A dwelling may be any one of the following:

- (1) SINGLE-FAMILY -- A building designed for and occupied exclusively as a residence for one family.
- (2) DUPLEX -- A building designed and occupied exclusively as a residence for two families, with one family living wholly or partly over the other.
- (3) DOUBLE -- A building designed and occupied exclusively as a residence for two families in such a manner that each unit is surrounded on three sides by yard area and so constructed that one wall is on the side lot line and abuts the neighboring dwelling unit.
- (4) MULTIPLE -- A building not greater than three stories in height used or designed as a residence for three or more families living independently of each other, including apartment houses, apartment hotels, flats and group houses, but not as a residence for transients.

DWELLING UNIT -- One or more rooms for living purposes together with separate cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and is used or intended to be used by one or more persons living together and maintaining a common household.

DWELLING UNIT DENSITY -- The number of dwelling units permitted per specified area.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems.

EXTERIOR WALL -- Any wall of a structure on the exterior of said structure and not interior to said structure.

FAMILY -- One or more persons (exclusive of household servants) related by blood, adoption or marriage or not more than two unrelated persons (exclusive of household servants) living and cooking together as a single-housekeeping unit. A "family" does not include and shall not be deemed to be one

or more persons obtaining lodging, quarters, room or board from the owner or occupant of a dwelling whether or not such is in payment of a fee. "Family" also shall not include those living in boardinghomes, fraternities, sororities, halfway houses or multiple dwellings of any sort.

FENCE -- A barrier constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

FLOOR AREA -- The sum of the gross habitable area of the floors of a building measured from the face of the interior walls.

GARDEN APARTMENT -- A garden-type apartment is one which is generally located in a structure containing not less than four apartments and up to 18 apartments designed for rental of the individual apartment units, usually not exceeding three stories in height, sometimes designed around courts or common green spaces, often having private balconies or patios, and frequently exhibiting different facades and design features between structures in the garden apartment complex.

GARAGE -- A building or structure in which one or more motor vehicles are stored, but not for the repairs or maintenance thereof. A garage may take any one of the following forms and conform with all other applicable Borough ordinances:

(1) **COMMUNITY** -- A single building or group of minor garages, arranged in a row or surrounding a common means of access, for the use of adjacent property owners or residents of multiple dwellings.

(2) **PRIVATE** -- An accessory structure which is used for the storage of one or more motor vehicles owned and used by the owner or tenants of the lot on which it is erected.

(3) **PUBLIC** -- A building or part thereof other than a community garage or private garage for the storage of motor vehicles.

(4) **DOUBLE** -- A private garage designed for the storage of two motor vehicles.

GRADE, FINISHED -- The completed elevation of any exterior surface.

HALF STORY -- A story with a height of not more than 50% of the first story (or ground story) of a building.

HEIGHT OF BUILDING -- The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HEIGHT OF SIGN -- The vertical distance measured from ground level to the highest point on the sign or its supporting structure.

LOADING SPACE, OFF-STREET -- A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LOADING STALL, OFF-STREET -- A portion of a loading space or building not less than 10 feet in width by 30 feet in length by 14 feet in height for the temporary use of one vehicle while loading or unloading merchandise or materials.

LOT -- Any tract or parcel of land held in single or separate ownership which is, or may be, occupied by a principal building and its accessory uses or buildings, if any, together with the open space required by this chapter.

LOT AREA -- The total area within the boundary lines of a single lot. No part of a lot which is also a part of a public street, road or alley is included in determining the area of the lot.

LOT COVERAGE -- A percentage which, when multiplied by the lot area, determines the maximum permitted building area and includes the aggregate of the maximum horizontal cross-section areas of all buildings on a lot, including sun parlors, foyers, porches, breezeways, garages, etc., but not steps.

LOT LINE, FRONT -- The line contiguous with the street line.

LOT LINE, REAR -- The line generally parallel or opposite to the front lot line, which defines the rear of the lot.

LOT LINE, SIDE -- Any lot line which is not a front lot line or a rear lot line.

LOT WIDTH -- The horizontal distance between side lot lines measured along the front building line.

MEDICAL FACILITIES -- A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions, and includes doctors and dental offices and clinics.

MIXED USE OR OCCUPANCY -- The use of one building for two or more purposes.

NONCONFORMING LOT -- Any lawful lot which does not conform to one or more of the applicable regulations of the district in which it is located either on the effective date of this chapter or as a result of a subsequent amendment thereto.

NONCONFORMING SIGN -- Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located either on the effective date of this chapter or as a result of subsequent amendments thereto.

NONCONFORMING STRUCTURE -- Any lawful structure or part of a structure not complying with the applicable use provisions of this chapter, as amended, where such structure lawfully existed prior to the enactment of this chapter or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE -- Any use whether of land or of structures which does not comply with the applicable use provisions of this zoning chapter, as amended, 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.

OPEN SPACE -- Common greens, parks, other recreation space or generally open areas available to the public; or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such building and their guests. Land covered with impermeable surface, except for recreation courts, such as basketball, is not open space. Land devoted to such uses as agriculture, parks, playgrounds, playing fields and other outdoor recreational uses, as well as all land covered by woods, lakes, ponds, rivers or streams and open lands devoted to public or community uses.

PARKING SPACE -- An open or covered area with a dustfree, all-weather surface (or space in a private garage or other structure), which shall be at least 10 feet by 20 feet in size, for the storage of one automobile, accessible from a public way and must conform to the setback requirements of the district in which it is situated.

PLANNED RESIDENTIAL DEVELOPMENT -- An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential district in the community.

PLANNING COMMISSION -- Planning Commission of the Borough of East Washington.

PRIVATE -- Any facility or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PUBLIC -- Of or pertaining to buildings, structures, uses or activities belonging to, or affecting, any duly authorized governmental body, available for common or general use by all.

QUASI-PUBLIC -- Churches, Sunday schools, parsonages and other related religious functions; colleges; hospitals; and other institutions of an educational, religious, charitable or philanthropic nature.

SCHOOL -- Any building, group of buildings or grounds, or portions thereof, used for the purposes of training or educating individuals.

SIGN -- Any cloth, card, paper, metal, painted glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes or for information or direction purposes on the ground or on any tree, wall, bush, rock, post, fence, building, trailer, vehicle or structure. The term "placed" includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

SITE PLAN -- The site plan for the purposes of this chapter shall be defined as an accurate drawing submitted by a registered engineer, architect, landscape architect or surveyor showing the proposed buildings and/or structures to be constructed, altered or enlarged; the property upon which the improvements will be made; the ownership of the property, the abutting owners and property lines; the exact size, shape and dimensions of the lot to be built upon; all adjacent streets or alleys, proposed parking arrangements; proposed facilities for lighting, public and private utilities; existing and proposed landscape elements; existing and proposed access to the property; and all customary incidentals such as North arrow, scale and any appropriate notations required to fully explain the plan.

SPECIAL EXCEPTION -- The special permission granted only by the Zoning Hearing Board to occupy land for specific purposes when such use is not permitted by right or as a conditional use.

STORY (of a building) -- That portion of a building, other than the basement (as defined), included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

TOWNHOUSE -- A development consisting of a series of from three to 10 attached dwelling units, separated from one another by continuous vertical walls without openings from basement to roof and having diversified architectural facades or treatment of materials and variation in front yard setback.

TOURIST HOME -- A residential structure containing one or more rooms (not considered to be dwelling units) for temporary occupancy by transient persons which has been approved by the Borough as a "rooming house" in accordance with Chapter 166, as amended. Any such use shall fully comply with the housing maintenance and occupancy codes of the Borough of East Washington.

USE -- Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

(1) **MAIN USE** -- The principal or dominant use.

(2) **ACCESSORY USE** -- A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

VARIANCE -- Permissive waivers from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship, and so that the spirit of the Chapter shall be observed and substantial justice done, and granted only by the Zoning Hearing Board.

YARD -- An open space between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT -- The yard extending along the full length of the front lot line and being the minimum horizontal distance between the front lot line (or street line) and the building line (or the building or any projection thereof, other than steps).

YARD LINE -- A line drawn parallel to the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

YARD LINE, REAR -- The line bounding the rear yard and parallel to the rear lot line.

YARD LINE, SIDE -- A line bounding the side yard and parallel to the side lot lines.

YARD, REAR -- A yard extending the full length of the rear lot line and being the minimum horizontal distance between the rear lot line and the rear yard line (or the rear of the building or any projections, other than steps).

YARD, SIDE -- A yard extending along the side lot line from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot line and the side yard line (or the side of the building or any projections, other than steps).

ZONING HEARING BOARD -- The Zoning Hearing Board of the Borough of East Washington.

ARTICLE II, Residential Districts

§ 340-10. Statement of intent.

In addition to the general goals listed in §§ 340-1 through 340-8, the districts established by this chapter are intended to achieve the following:

- A. To provide sufficient space, appropriately located for residential development, to meet the housing needs of the present and expected future population of the Borough within the range of house types and densities anticipated.
- B. To assure light, air and privacy, as much as possible, by controlling the spacing and height of buildings and other structures.
- C. To protect residential areas against hazards of fire, offensive noises, vibration, smoke, odors, glare or other objectionable influences.
- D. To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings and by providing for sufficient off-street parking.
- E. To protect residential neighborhoods, as much as possible, from heavy or through traffic.
- F. To make possible provisions of public and private educational, recreational, health and similar facilities serving the needs of Borough and nearby residents, which perform most effectively in a residential environment and do not create objectionable influences in a residential area.

G. To promote the most desirable use of land and direction of building development in accordance with a well-considered plan, to promote stable residential development, to promote the character of the Borough as it relates to the Greater Washington Region and its peculiar suitability as a residential community, to conserve the value of land and buildings, and to promote and protect the Borough tax base and associated revenues.

§ 340-11. Residential districts.

A. The Borough of East Washington, in accordance with the provisions of this chapter, is hereby divided into three residential districts, with provisions for a special district, identified as the R-P Planned Unit Residence District. These districts are listed below and are shown on the Zoning District Map for the Borough of East Washington.

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-P Planned Unit Residential District

B. In the various tables which are contained in this section of this chapter, terms regarding the use of land and the location of structures thereon are as identified and described in § 340-9 with the following additions:

- (1) Uses by right: Uses by right do not require approval of the Planning Commission or Borough Council unless variances are required for site development or unless there are unusual circumstances regarding site plan approval.
- (2) Conditional uses: In the evaluation of the suitability of such uses, the location, the site plan, general and detailed character of the use or development, and such other standards as may be required in this chapter by the Borough Council shall be reviewed and approved by the Borough Planning Commission followed by the final review and approval of Borough Council.
- (3) Uses by special exception: Specific uses of land which may be granted by special permission of the Zoning Hearing Board when such use is not a use by right.
- (4) Accessory uses: Private residential swimming pools and private garages are customary accessory uses in residential districts.

§ 340-12. Uses permitted in residential districts.

Uses permitted in each residential zone district are indicated in Table No. 1. Appropriate symbols denote those uses which are by right, by special exception or which are conditional.

Table No. 1

Borough of East Washington

Permitted Uses in Residential Districts¹

General Uses	R-1 District			R-2 District			R-3 District		R-P District ²	
	R	R	R	R	R	R	NP	R	R	R
Single-family dwelling	R	R	R	R						
Two-family dwelling (double and duplex)					NP	R		R	R	
Townhouse dwelling	NP	C	C	R						
Garden apartment dwelling		NP	C	C	R					
Multifamily dwelling	NP	C	C	R						
Multistory, multifamily dwelling			NP	NP	C		C			
Community garage	C	C	C	C						
Private garage	A	A	A	A						
Church or related use	C	C	C	C						
Public or private school or public buildings				C	C		C	C		
Public park or open space		R	R	C	R					
Community center	C	C	C	C						
Essential services	S	S	S	S						
Private recreation facilities		S	S	S	S					
Accessory residential buildings, private swimming pool	A	A	A	A	A		A	A	A	R
Institutional home	NP	NP	C	C						
Telephone exchange building		S	S	S	S					
Medical facilities	C	C	C	C						

Cable antenna* C C C C

NOTES:

1 Symbols for Table No. 1 include:

 R - Use by right

 C - Conditional use only

 S - Special exception only

 A - Accessory use only

 NP - Not permitted

2 All uses in R-P District are subject to special provisions in § 340-18.

* Not permitted in front yards.

§ 340-13. Area, bulk and height regulations for all residential districts.

In each residential district and on each lot that is used hereafter, and on each lot upon which a building or structure hereafter is erected or enlarged and maintained, there shall be required a minimum lot width, lot area per dwelling unit, yards, building heights, and maximum lot coverage, as shown in Table No. 2, for the appropriate residential district.

Table No. 2

Borough of East Washington

Site Development Specifications

Area, Bulk and Height Regulations for All Residential Districts

General Use R-1 District R-2 District R-3 District R-P District2

Residential uses

Minimum lot area (square feet) per dwelling unit

Single-family	6,000	5,000	5,000	4,000
Two-family	NP	3,000	3,000	2,500
Townhouse	NP	3,000	2,000	2,500
Garden apartment	NP	2,800	1,800	1,600
Other multifamily	NP	2,000	2,000	1,300
Multistory, multifamily-efficiency and one bedroom	NP	NP	1,000	1,000
Two or more bedrooms	NP	NP	1,200	1,200

Minimum lot width (in feet)

Single-family structure	50 per structure	40 per structure	40 per structure	40 per structure
Two-family	NP	25 per unit	25 per unit	25 per unit
Townhouse	NP	22 per unit	22 per unit	22 per unit
Garden apartment	NP	70 minimum	80 minimum	100 minimum
Other multifamily	NP	70 minimum	80 minimum	100 minimum
Multistory multifamily	NP	NP	120 minimum	125 minimum

Minimum yards (in feet)

Front	25	25	20	25
Rear	25	25	25	25

Minimum of each side yard (two required)

Single- and two-family	12	7	5	5
Townhouse and garden apartment	NP	15 (end wall)	25 (plus 2 feet for each story over 30 feet)	15 (end wall) 30 (plus 2 feet for each story over 30 feet)

Maximum building height (in feet)

Single-family	35	35	35	35
Two-family and townhouse	NP	35	35	35

Garden apartment or other multifamily		NP	36	36	36
Maximum lot coverage					
Single-family, two-family or townhouse, where permitted			40%	50%	50%
All other residential uses	NP	45%	50%	50%	
Nonresidential uses					
Minimum lot area (square feet)	10,000	8,000	8,000	8,000	
Minimum lot width (in feet)	100	80	80	80	
Minimum yards					
Front and rear	25	25	25	25	
Each side	20	20	20	20	
Maximum height	25	25	25	25	
Maximum lot coverage	30%	35%	35%	35%	

NOTE:

Symbols:

NP - Not permitted

§ 340-14. General provisions for garden apartments and multifamily dwellings.

- A. Garden apartments above the first floor may be provided with balconies with a maximum extension of eight feet from the principal dwelling unit wall; however, no such extensions shall extend into any required yards.
- B. A garden apartment or multifamily dwelling shall not exceed two dwelling units in depth unless the additional dwelling units abut a court conforming to the following requirements:
 - (1) No courts shall be, between two opposite facing walls thereof, less than 60 feet when the other dimension is 10 feet or more.

- (2) No court abutting an interior lot side yard shall be less than 10 feet in width.
- (3) No wing of a multifamily dwelling shall project into a required yard.
- (4) The transverse dimension of a projecting wing shall not be greater than the overall dimension of two dwelling units.
- (5) No front entrance shall open on a court that abuts a yard or on a yard except either the yard or both together total not less than 25 feet.
- (6) An enclosed court shall be not less than 60 feet in any dimension.

§ 340-15. Off-street parking standards and requirements in residential districts. [Amended 9-16-1985 by Ord. No. 404]

As required by § 340-21 of this chapter.

§ 340-16. Submission of site plan. [Amended 9-16-1985 by Ord. No. 404]

(Shall be prepared by a registered engineer, architect, or landscape architect.) A site plan shall be submitted to Borough Council for any development proposal in the residential districts with the exception of a single-family dwelling. Such site plan shall be prepared in accordance with § 340-37.

§ 340-17. Required open space or recreation areas. [Amended 9-16-1985 by Ord. No. 404]

Any residential complex containing 20 or more residential units shall provide a minimum of 10% of the gross site area as a designated open space or recreation area. The designated area shall be usable space, shall not exceed an average of ten-percent grade, and shall be reasonably useful for active recreation and open space purposes.

§ 340-18. Planned unit residential regulations and procedures (R-P District only).

Specific intent and general regulations. The Borough of East Washington acknowledges the purpose and general intent established in Act. No. 247, the Pennsylvania Municipalities Code, Article VII, which makes provisions for innovative types of modern housing development and provides for maximum retention of open space. In recognition of Article VII, Act. No. 247, the Borough of East Washington hereby incorporates the following provisions in this chapter for the express purpose of permitting the concept of planned unit residential development.

A. Any owner of a contiguous parcel of land located within the Borough, comprising five or more acres in area, may petition the Borough Council, requesting that all planned unit residential controls and regulations apply to said property. The Borough Council may then refer the petition to the Planning Commission for review and recommendations. After receipt of the Planning Commission review, the Borough Council may approve or deny the petition, within the time limitations established by law.

B. At the preapplication conference, each applicant shall confer with the Borough Planning Commission in connection with the preparation of the planned residential development application and

prior to the submission of such application. The purpose of such preapplication conference is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys and other data. The Planning Commission, at such conference, shall outline the requirements which the proposed development must meet.

C. The initial petition to Borough Council must contain the following information or supporting data: A complete site plan for the entire area which includes topography at two-foot intervals; existing and proposed structures including types of structures; proposed dwelling unit densities; existing and proposed streets, utilities and open space; any special provisions for conveyance of open space land and methods of controlling such spaces; all traffic, parking and landscaping plans to adequately support the proposal; and written schedules stating the developer's intentions, the proposed construction schedule, any proposed covenants, and the financial statements required to support the development. The Borough Council or Planning Commission may request such additional information as required to properly review the proposal.

D. Public hearings as required by law must be held before approval by the Borough Council. Appropriate Washington County Planning Department approval must also be received in accordance with law. If the petition is denied by Borough Council, such action may not be appealed to the Zoning Hearing Board. If the petition is approved in accordance with law, the designated area shall be changed on the Borough Zoning Map to reflect the R-P Planned Unit Residential District and shall be subject to uses permitted in Table No. 1 and the controls in Table No. 2 of this chapter and such special requirements as established in the following section.

E. Not less than 25% of any planned residential area shall be devoted to common open space. Dwelling unit densities for the entire area (gross site area) shall not exceed 10 dwellings per acre. All fees for legal advertisements and site inspections shall be paid by the developer as established by the Borough Council.

F. If any element of the petition filed by the developer or any phase of review by the Borough results in a conflict of interpretation, the provisions of Act. No. 247, Article VII shall prevail.

ARTICLE III, Supplemental Regulations

§ 340-19. Sign regulations.

A. Permanent signs. Only the following signs shall be permitted within the Borough:

(1) Directional, information or public service signs such as those advertising availability of rest rooms, telephone or similar public conveniences and signs advertising meeting times and places of nonprofit service or charitable clubs or organizations may be erected or maintained, provided that such signs do not advertise any commercial or industrial establishment activity or organization. Such signs shall not exceed two square feet in area.

(2) Signs of schools, colleges, churches, hospitals or of institutions of a similar nature relating exclusively to the identity, activities and services of such institutions, provided that such signs shall not exceed 12 square feet in area and shall be limited to one such sign for each separate use.

(3) Nameplates not exceeding two square feet in area.

B. Temporary sign regulations. The following shall be observed in all districts:

(1) Temporary signs, including signs advertising land or premises available for purchase, development or occupancy, or announcements of special events, or signs of mechanics or artisans while working on the premises, shall be permitted, provided that:

(a) Real estate signs shall not exceed six square feet in area and not more than two such signs shall be erected for any property held in single or separate ownership. Such signs must be removed by the person or persons erecting them upon completion of the sale or rental of the property.

(b) Other such signs shall not exceed 18 square feet in area, shall be limited to one per property and shall be removed immediately upon the completion of work, and the site or building on which the sign was erected shall be restored to its original condition upon removal of such signs.

C. General limitations pertaining to all signs. The following regulations shall be observed:

(1) No sign shall be erected within, or project into, the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body;

(2) No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal;

(3) Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby;

(4) No sign shall be erected except on the property to which it is related;

(5) Billboards are prohibited in all districts;

(6) Flashing, moving or oscillating lights are expressly prohibited;

(7) No temporary or permanent sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of the Borough Zoning Ordinance;

(8) Signs shall not be painted directly on the surface of any building;

(9) Every sign permitted must be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the Borough at the expense of the owner or lessee of the property on which it is located;

(10) Nonconforming signs once removed physically may be replaced only with conforming signs; every sign erected shall also comply with the requirements for the zoning district in which said sign is erected.

D. Sign permit procedure. Pursuant to applicable Borough regulations, a permit from the Zoning Officer or his duly authorized representative shall be required before a permanent sign may be erected, altered or enlarged.

§ 340-20. General regulations. [Amended 9-16-1985 by Ord. No. 404]

A. Visibility at intersections. A clear sight triangle shall be maintained at all intersections and points of entry on a public road, so that, measured along the center line, there shall be a clear sight triangle of 75 feet from the point of intersection. No obstruction to view will be permitted in this area above the height 2 1/2 feet and below 10 feet.

B. Swimming pools.

(1) Open private or quasi-public swimming pools are considered structures for the purpose of permits and regulations of all ordinances, if they are constructed, used or maintained to provide recreational facilities for swimming, bathing or wading and capable of containing water to a depth greater than 18 inches. For the purpose of this chapter, they are not counted as floor area in computing the lot coverage but shall not be located in any required setback area.

(2) All swimming pools shall be at least 10 feet from any lot line and shall be enclosed by a fence, wall or other substantial barrier not less than four feet high, with a self-closing, self-latching gate and of such a character as reasonable to prevent access to the pool.

(3) No swimming pool shall be constructed in the Borough except in accordance with a permit therefor previously secured from the Zoning Officer or his duly authorized representative upon written application accompanied by a plan showing the size, shape and location of the swimming pool and its enclosure and such other information as may be necessary to enable the Building Inspector to determine whether the pool complies with this chapter.

C. Stripping of topsoil, excavation of clay, sand, gravel or rock. The following shall apply in all districts: Topsoil or sod may be removed only under the following conditions:

(1) As a part of the construction or alteration of a building or the grading incidental to such building;

(2) In connection with normal lawn preparation and maintenance; or

(3) In connection with the construction or alteration of a street or utility improvement.

D. Exception to height limitations. The height limitations of this chapter shall not apply to church spires, belfries, domes, monuments, observation towers, radio and television towers, chimneys, smokestacks, flagpoles, masts and aerials, elevators, equipment towers, tanks and other projections neither intended nor used for human occupancy.

E. Outdoor storage prohibition. Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the residential premises.

F. Accessory building and structures. An accessory building may be constructed within the rear yard if entirely separated from the primary structure and if located at least three feet farther back from the front street line than the rearmost portion of the primary structure. An accessory building may also be constructed within the rear yard in any case in which the rear portion of the lot abuts upon a road not exceeding 20 feet in width, providing that all parts of the accessory building are at least five feet distant from the right-of-way line of such roadway. Accessory buildings shall not exceed 150 square feet in area and one story in height. Such accessory structures shall not be used for garage purposes. All plans for accessory buildings shall be submitted to the Zoning Officer for approval prior to issuance of a building permit. Impermanent structures or structures which are to be comprised of makeshift materials or structures which are subject to extreme weathering and unsightly conditions shall not be permitted.

G. Fences. No fence or wall or other obstruction (except a required retaining wall or a wall of a building permitted under the terms of this chapter) over four feet in height shall be erected within any of the required open spaces or in any front yard, except by special exception. No fence or wall or other obstruction (except a required retaining wall or a wall of a building permitted under the terms of this chapter) over six feet in height shall be erected in any other space or yard, except by special exception.

H. Parking and storage of vehicles in all residential districts. In any residential district, the following restrictions shall apply. The parking of any vehicle other than an automotive passenger vehicle, station wagon, pickup truck, panel truck or recreational vehicle in required front yards shall be prohibited. Parking of any other type of truck, except for temporary loading or unloading, shall be prohibited.

I. Placement of portable storage containers. Placement of PODS®EN and any portable on-site enclosed storage or moving container within the Borough shall be regulated as follows: [Added 11-6-2006 by Ord. No. 489]

(1) With respect to placement on streets within the Borough:

(a) The person wishing to place a PODS® or any portable on-site enclosed storage or moving container must obtain from the Code Enforcement Officer a permit. The initial permit shall be for 90 days and shall cost \$25. Thereafter, the permit is renewable in thirty-day increments upon payment of \$100 for each thirty-day extension.

(b) The PODS® or any portable on-site enclosed storage or moving container must have reflective cones placed at each corner. Reflective material may also be placed at both ends.

(c) The person placing a PODS® or any portable on-site enclosed storage or moving container must obey all state motor vehicle statutes and regulations governing parking of a motor vehicle on a public street. At a minimum, placement of PODS® and any portable on-site enclosed storage or moving container shall be no closer than: 15 feet from a fire hydrant; 20 feet from an unregulated intersection;

30 feet from a stop sign, flashing light, red traffic signal or yield sign; 15 feet from a driveway and no further than six inches from a curb.

(2) With respect to placement of a PODS® or any portable on-site enclosed storage or moving container on private property within the Borough, no permit shall be required.

(3) Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of no more than \$600 and/or to imprisonment not to exceed 10 days.

J. External fuel-burning devices prohibited. [Added 7-16-2007 by Ord. No. 491]

(1) Definition. An external fuel-burning device is constructed or manufactured to burn oil, wood, coal or other fuels for placement outdoors for the heating of a building.

(2) Prohibition. The erection, installation, and placement of an external fuel-burning device within the Borough is prohibited.

(3) Retroactivity. This subsection shall not be considered to be retroactive and shall not require the removal of an external fuel-burning device in existence within the Borough at the effective date of this subsection.

(4) Regulation of devices already in existence. All external fuel-burning devices in existence at the effective date of this subsection shall have or must erect a flue or chimney that, as extended, exceeds the height of the roof peaks of residences located within 500 feet of the device, provided:

(a) That the height of the chimney, as it exists or as extended, shall not exceed 35 feet;

(b) Any wood-burning device shall use only wood that has not been chemically treated; and

(c) Extension of the flue or chimney shall require issuance of a building permit, which shall be issued upon submission, in addition to other documents required by the issuing authority, of documentation by a licensed surveyor or professional engineer certifying the location of the device, distance to residences, and comparative heights of the flue or chimney and residential rooflines.

(5) Violations and penalties. Any person, firm or corporation violating this subsection shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this subsection continues shall constitute a separate offense.

§ 340-21. Off-street parking and loading regulations.

A. Off-street parking regulations.

(1) Standards. Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. For purposes of computing car space, including stalls and driveways, parking space for one vehicle shall be equal to at

least 320 square feet and shall have a stall of at least 9 1/2 feet by 20 feet in size. Parking spaces shall be adequately marked and shall have an approved all-weather surface to provide safe and convenient access in all seasons.

(2) Single-family and two-family standards. For single-family and two-family structures, the required parking spaces shall be designed as an enclosed garage (either totally enclosed or a carport) and shall have a paved access from the street or alley to the parking space. Off-street parking spaces for single-family and two-family uses may take the following forms and, except in the case of Subsection D below, all such spaces shall be provided in either the side or rear yard of residential properties. An enclosed (or partially enclosed) garage in a rear yard may not be closer than five feet to the rear property line if bordered by a rear alley, otherwise a garage may be built to within two feet of the rear property line.

(a) Attached garages or carports to a dwelling;

(b) Detached garage on property;

(c) Attached garage (minimum two spaces) in joint ownership, i.e., party wall (also possible with driveways or accessways in joint ownership at the property lines);

(d) Single (or jointly owned double garage) at front property line if the cubic content of such garage space is more than 75% below grade, but subject to the granting of a variance by the Zoning Hearing Board; and

(e) Where an off-street garage is impossible to provide due to topography, etc., relief from these provisions may be granted by the Zoning Hearing Board. However, the property owner shall furnish proof of a permanent off-street parking space elsewhere in the community (i.e., lease, etc.).

(3) Multifamily standards. Off-street parking spaces for multifamily structure shall be provided. At least 50% of the required number of spaces shall be totally enclosed. No surface parking space shall be located in the required front yard areas; however, in the R-3 Districts, parking may be permitted in required yards below grade to within five feet of any property.

(4) Requirements. Required off-street parking space(s) for new construction, enlargement or change in use shall conform to the following:

Residential	Parking Space(s)
Townhouse dwelling	2 per dwelling unit
Single-family residence	2 per dwelling unit
Two-family or duplex structure	2 per dwelling unit

Multifamily structure (more than 2 units per structure) 1 1/2 per dwelling unit (in garden apartment areas, parking for service vehicles shall also be provided); no parking spaces shall be provided in required front yards

Other Uses, Including Public and Semi-Public Parking Space(s)

Private recreation facilities 1 per 1.5 members

Church 1 per 200 square feet of net floor area or for each 3 fixed seats, whichever is greater

School 1 per 15 students in elementary schools or 10 classroom seats in other schools or for each 125 square feet of auditorium space provided, whichever is greater

Lodge, library, museum, meeting place, etc. 1 per 50 square feet of floor area used for assembly in the building

College or higher education facility dormitory 1 for every 4 dormitory beds

B. Special parking provisions.

(1) Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Borough Solicitor and accepted by the Borough Council, shall be filed with the application for a zoning certificate.

(2) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board, provided a written agreement, approved by the Borough Solicitor and accepted by the Borough Council, shall be filed with the application for a zoning certificate.

C. Off-street loading regulations standards.

(1) Off-street loading and unloading space(s) with proper and safe access from street or alley shall be provided on each lot where it is deemed by the Zoning Officer that such facilities are necessary to adequately serve the uses permitted within the district.

(a) Each loading and unloading space:

[1] Shall be at least 14 feet wide, 60 feet long and shall have at least a fifteen-foot vertical clearance;

[2] Shall have an all-weather surface to provide safe and convenient access during all seasons; and

[3] Shall not be constructed between the street right-of-way line and the building setback line.

(b) Required off-street parking spaces (including aisles) shall not be used for loading and unloading purposes.

(2) Loading and unloading facilities shall be designed so that a truck or any portion thereof need not park in or effectively block in any manner any public right-of-way.

(3) No truck shall be allowed to stand in:

(a) A right-of-way;

(b) Automobile parking area (including aisles); or

(c) In any way block the effective flow of persons or vehicles.

§ 340-22. Performance standards.

A. Basic requirements. No land or building in the Borough shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition unless the following performance requirements are observed:

(1) Fire and explosive hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania.

(2) Radioactive or electrical disturbances. There shall be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.

(3) Smoke. There shall be no emission at any point from chimney or otherwise for longer than five minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 of the Standard Ringleman Chart as issued by the U.S. Bureau of Mines.

(4) Smoke, ash, dust, fumes, vapor, gases and other forms of air pollution. There shall be no emission at any point from any chimney or otherwise which can cause any damage to health, to animals or vegetation or other forms of property, or which causes any excessive soiling at any point.

(5) Liquid and solid wastes. There shall be no discharge at any point into any private sewerage system or stream or into the ground of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials except in accordance with the standards of the Pennsylvania Department of Environmental Protection.

(6) Noise and vibration. At no point on a property line within the boundaries of a residential district shall the sound pressure level of any operation exceed the decibel levels in the designated octave bands shown below:

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0 to 75	75
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

(a) If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one-hour period.	+5

Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.) -5

(b) These limitations shall not apply to the operations of motor vehicles or other transportation facilities, emergency alarms or signals, parades, properly licensed public address systems, religious or social activities, or other operations of a temporary duration, but shall be interpreted to limit and control noise originating from uses of a permanent and lasting character which can be heard and measured above the ambient noise of the community.

B. Glare. No direct or sky-reflected glare, whether from floodlights or from high temperature process, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

C. Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.

D. Central air-conditioning units. Central air-conditioning units shall be located to the rear or top of all structures and in no case shall be located closer than 15 feet from any property line.

ARTICLE IV, Nonconforming Uses, Premises, Structures and Lots

§ 340-23. Statement of intent.

The Zoning Districts established by this chapter are designed to guide future use of land in the Borough by encouraging the development of desirable residential areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare. To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this chapter or future amendments and which do not conform to the character and regulations of the zoning district in which they are located shall be subject to certain limitations. Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, off-street parking, lot coverages, or building height are deemed to be nonconforming. Nonconforming uses and structures will generally be permitted to remain; the purpose of regulating them is to place reasonable restrictions on further expansion of uses or structures which are inappropriate to their location. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction or intended use of any building on which actual construction was lawfully begun prior to the effective date or amendment of this chapter and on which actual building construction has been diligently carried on.

§ 340-24. Nonconforming use regulations.

A. Continuation. Lawful uses located either within a building or other structure, or part thereof, or on the land, or in combination of both, which, at the effective date of this chapter or subsequent amendment thereto, become nonconforming, may be continued so long as they remain otherwise lawful, including subsequent sales of the property.

B. Alteration or enlargement of nonconforming buildings, structures or land.

(1) Nonconforming buildings, structures or land shall not be added to or enlarged upon in any manner, unless said building, structure or land, including additions and enlargements, are made to conform to all the regulations of the district in which they are located. No structural alterations may be made other than those ordered by an authorized public officer to assure the safety of a nonconforming building or structure.

(2) If a building or structure is conforming as to use, but nonconforming as to area and bulk regulations or off-street parking requirements, said building or structure may be enlarged or added to, provided that the enlargement or addition complies with the area and bulk regulations and the existing building plus its addition complies with the off-street parking regulations of the district in which said building or structure is located.

(3) No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all the regulations of the district in which it is located.

C. Discontinuance. If any nonconforming use of land or building ceases operations for a continuous period of more than one year, then this shall be deemed to be an intent to abandon such use, and any subsequent use of land shall conform to the regulations of this chapter. This provision shall not apply to a single-family residence.

D. Change in use.

(1) A nonconforming use in a conforming building or structure (e.g., residential use in a commercial building) shall not be expanded into any other portion of such conforming building or structure nor changed except to a conforming use. If such a nonconforming use or a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion shall be in conformity with the regulations of this chapter.

(2) Whenever a use district shall be hereinafter changed, any existing nonconforming use in such changed district may be continued or changed to another nonconforming use of the same or higher classification, provided that no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure.

E. Damage or destruction. In the event that a nonconforming use in any district is destroyed or partially destroyed by fire, explosion or other cause, or otherwise damaged to the extent of 50% or more of either its assessed valuation (as determined from the assessment rolls effective at the date of damage or destruction) or its bulk of all buildings, structures and other improvements on the lot, such

nonconforming uses shall terminate, and the lot shall thereafter be used only for conforming uses. In any case, whether conforming or nonconforming, the remains of any building so destroyed must be removed from the premises within six calendar months so that the same shall not remain as a nuisance thereon.

§ 340-25. Nonconforming lots of record.

A. Nonconforming lot regulations. In any district in which single-family houses are permitted, notwithstanding the area limitation imposed by other provisions of this chapter, a single-family house and customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment of this chapter, provided the following requirements shall be observed:

- (1) Such lot must be in separate ownership and not form part of a continuous frontage with other lots in the same ownership.
- (2) This provision shall apply even though such lot fails to meet requirements of area or width, or both, generally applicable in the district in which the lot is located, and a variance shall be issued by the Zoning Hearing Board, except as follows:
 - (a) No application for a variance shall be accepted if the side, front or rear yards or the width or area of the lot in question is less than 75% of the required minimum for the district in which it is located.
 - (b) If two or more lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot widths and area established by this chapter, the lands involved shall be considered an undivided parcel, and no portion of such parcel shall be occupied or sold which does not meet lot width and area requirements established by this chapter.

§ 340-26. Nonconforming signs.

Signs in existence at the effective date of this chapter or amendments thereto may be continued subject to the following regulations.

- A. Moving. No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this chapter or amendment thereto.
- B. Structural alterations. A nonconforming sign on a nonconforming use may be continued, but the area of such sign or signs shall not be increased and such sign or signs shall not be structurally altered.
- C. Damage or destruction. In the event that any nonconforming advertising sign, billboard, commercial advertising structure or statuary is damaged to the extent of 25% of its cost of replacement at the time of destruction, such sign shall not be restored or replaced except as permitted in § 340-30D.

D. Whenever any use of building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within six calendar months.

§ 340-27. Registration of nonconformity.

Registration of nonconforming uses, buildings, lots and signs. In order to administer this chapter, the Zoning Officer or such other person as may be designated by the Borough Council shall prepare, after the adoption of this chapter, a list of all nonconforming uses, buildings, lots and signs then in existence.

§ 340-28. Exemptions for nonconforming existing structures.

Any existing residential structure located in the Borough of East Washington at the time of adoption of this chapter shall not be classified as a nonconforming structure if:

- A. The height of the existing structure exceeds the maximum permitted height as shown in Table No. 2 of Article II; or
- B. The existing side yard (or side yards) do not meet prescribed standards contained in this chapter.

ARTICLE V, Administrative Procedures

§ 340-29. Specific intent.

It is the purpose of these regulations to prescribe procedures for administration of this chapter. Nothing contained within this section shall be interpreted as limiting the adoption of Borough administrative regulations which would supersede required procedures listed herein.

§ 340-30. Administration and enforcement. [Amended 9-16-1985 by Ord. No. 404]

A. Administration. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred on him/her by this chapter and are reasonably implied for that purpose. The Zoning Officer shall establish from time to time, by and with the consent of the Borough Council, such rules and regulations as may be deemed necessary to the proper exercise of the authority and powers conferred upon the said Zoning Officer, or his duly authorized agent, under the provisions of this chapter.

- (1) Duties. The duties of the Zoning Officer, or his duly authorized agent, shall be:
 - (a) To examine all applications for permits;
 - (b) To issue permits only for construction and uses which are in accordance with the regulations of this chapter and other applicable ordinances as may be subsequently amended;
 - (c) To record and file all applications for permits with the accompanying plans;

(d) To issue permits for uses by special exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this chapter;

(e) To receive all required fees and issue all necessary stop orders;

(f) Upon the request of the Planning Commission or of the Zoning Hearing Board, present to such body, facts, records and any similar information on specific requests to assist such body in reaching its decision.

(2) Appeal. Any appeal from a decision or action of the Zoning Officer shall be made directly to the Zoning Hearing Board in accordance with Article VI of this chapter.

(3) Notification of violation. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and order the action necessary to correct it. He/she shall order discontinuance of illegal use of land, building or structure; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinue any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or prevent violation of its provisions.

B. Enforcement and remedy.

(1) This chapter shall be enforced by the designated Zoning Officer. No permit of any kind as provided in this chapter shall be granted by him/her for any purpose except in compliance with the provisions of this chapter or based upon a decision of the Zoning Hearing Board or the courts.

(2) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or of any ordinance or other regulation made supplementing this chapter, the Zoning Officer, in addition to the other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alterations, repairs, conversion, maintenance, or use, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.

C. Complaints regarding violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

D. Violations and penalties. Any person, firm or corporation who shall violate any provision of this Article V shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and/or to imprisonment for a term not to exceed 90 days. [Amended 11-7-2005 by Ord. No. 481]

§ 340-31. Permits and boundary resolution.

A. Occupancy permits.

(1) No use of vacant land other than open space use shall be made, and no building or structure hereafter erected or structurally altered shall be occupied or used, until a certificate of use, occupancy and compliance shall have been issued by the Zoning Officer. A similar certificate of occupancy and compliance shall be applied for and shall be issued before an existing use of a building, structure, or land shall be changed.

(2) A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the laws and ordinances and with the regulations of this chapter. It shall be applied for simultaneously with the application for a building permit and shall be issued upon examination of the completed structure and certification by the Zoning Officer within 10 days after the erection or structural alteration of such building or part thereof shall have been completed in conformity with the provisions of this chapter. However, such certificate shall be void if not exercised or renewed within six months of the date of issue.

(3) Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Zoning Officer for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as altering the rights, duties or obligations of either the owners or the Borough in respect to the use or occupancy of the premises in question or in any other matter within the purview of this chapter. Such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. No permit for excavation for or the erection of any building or part of a building or for repairs to and alteration of a building shall be issued before application has been made for the certificate of occupancy and compliance.

B. Application forms. All applications for occupancy permits shall be made on printed forms to be furnished by the Zoning Officer and shall contain accurate information as to the size of and location of the lot; the size and location of the buildings or structures on the lot; the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of this chapter.

C. Boundaries of districts. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Map accompanying and made a part of this chapter, said district boundary line shall be determined as follows:

(1) The district boundaries are generally center lines of public rights-of-way unless otherwise shown, and where the indicated boundaries on the Zoning District Map are approximately public rights-of-way, said center lines of public rights-of-way shall be construed to be the boundaries.

(2) Where the district boundaries are not shown to be public rights-of-way, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the indicated boundaries on the Zoning District Map are approximately lot lines, said lot lines shall be construed to be the boundaries of such district, unless said boundaries are otherwise indicated on the Map.

(3) In undivided property, the district boundary lines, unless otherwise shown, shall be determined by use of the scale on the Zoning District Map (original).EN

(4) Where one symbol is used on the Zoning District Map to indicate the district classification of an area divided by a way or alley, said symbol shall establish the classification of the whole of such tract.

(5) A street, way, alley, railroad or railway right-of-way, watercourse, channel or body of water included on the Zoning District Map shall, unless otherwise indicated, be included within the district of adjoining property on either side thereof, and where such street, way, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more districts, a line midway in such street, alley, way, right-of-way, watercourse, channel, or body of water, and extending in the general direction of the long dimension thereof, shall be considered the boundary between districts.

(6) In the event that a street, way or alley shown on the Zoning District Map is vacated, the property formerly in said street or way shall be included within the district of the adjoining property on either side of said vacated street, alley or way. In the event said street, alley or way was a boundary of one or more districts, said new district boundary or boundaries shall be the former center line of said vacated street.

§ 340-32. Schedule of fees.

A. Determination. The Borough Council shall determine a schedule of fees, charges and expenses, as well as a collection procedure for special permits, variances, amendments and other matters pertaining to this chapter. Said schedule of fees shall be posted in the office of the Borough Secretary and the Zoning Officer.

B. The Borough Council shall be empowered to reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting by resolution.

C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up-to-date by the Borough. All such fees shall be paid into the Borough Treasury.

D. Special exceptions and variances shall be issued (or acted upon) only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

§ 340-33. Amendments.

A. Power to amend. The regulations, restrictions, boundaries and requirements set forth in this chapter may, from time to time, be amended, supplemented, changed or repealed through amendment by the Borough Council.

B. Procedure for amendment. The following general requirements shall be observed in making any amendment to this chapter.

(1) Proposed amendments, supplements or changes or a proposal to repeal this chapter or part thereof may be initiated by Borough Council or the Planning Commission.

(2) In the case of an amendment, other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the public hearing on such proposed amendment to be held by Borough Council. The Planning Commission shall hold a public hearing pursuant to public notice, after which public hearing recommendations must be made to Borough Council within 15 days of completion of such public hearing or continued hearing.

(3) When the proposed amendment is prepared by the Planning Commission, the Planning Commission shall hold at least one public hearing pursuant to public notice and may hold additional public hearings, if necessary, upon such notice as it shall determine to be advisable. Upon completion of its work, the Planning Commission shall present to Borough Council the proposed amendment together with recommendations and explanatory materials.

(4) No action by Borough Council to amend this chapter shall become effective until after public hearing pursuant to public notice.

C. Zoning amendment by petition.

(1) A request to amend this chapter may be initiated by petition signed by the owners of 80% in interest and number of the property sought to be reclassified. The petition must be accompanied by the written consents, verified by affidavit, of 80% of the owners in interest and number of all of the property within 200 feet from the property sought to be reclassified; a legal description of said property; and the names and present addresses of all abutting property owners. Said petition shall be filed with Borough Council upon payment of the filing fee as established by resolution of Council. Borough Council shall then refer it to the Planning Commission, which shall conduct a public hearing pursuant to public notice, after which public hearing recommendations shall be made to Borough Council within 15 days of completion of such public hearing or continued hearing.

(2) Whenever Borough Council, after due hearing pursuant to the provisions hereof, has acted negatively upon a proposed change or amendment in the zoning districts or regulations, no petition affecting the same property or district shall be entertained or acted upon by Borough Council except by consent of 3/4 of the members of Borough Council within a period of one year from the date of such adverse action, and after such second application has been acted upon by Borough Council, no further application shall be entertained for a period of two years from the date of the said second application except by consent of 3/4 of the members of Borough Council.

D. Public notice. As used in this chapter, except where the context clearly indicates otherwise, public notice means notice given not more than 30 days and not less than 14 days in advance of any public hearing. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

ARTICLE VI, The Planning Commission

§ 340-34. Specific intent.

It is the purpose of this chapter to cite those articles and sections of this chapter that specifically refer to responsibilities of the East Washington Borough Planning Commission in the administration of the Zoning Chapter. Further, it is the purpose of this section to explain the site plan review procedures for the Planning Commission and to enumerate specific powers and duties related to the zoning chapter.

§ 340-35. Administration and procedure.

- A. Appointment. The Planning Commission of East Washington Borough, consisting of five members, were appointed by the Borough Council in the manner prescribed by law.
- B. Rules of procedure (as derived from Pennsylvania Act No. 247). The Planning Commission shall adopt such rules of procedure as are required in accordance with the provisions of other Borough ordinances and, as necessary, to provide the required reviews and recommendations relative to this chapter. The rules of procedure with regard to zoning matters shall be in accordance with the provisions of Pennsylvania Act No. 247 and any other Borough ordinances pertinent to the review functions of the Planning Commission.
- C. Meetings. The Planning Commission shall meet monthly at a regularly prescribed date and meeting place and at other times as the Chairman may deem necessary. All regular meetings of the Planning Commission shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meetings.
- D. Recommendations regarding zoning matters. Within 90 days after any referral for review, requested report or hearing regarding a zoning matter, or unless a different time is required within this chapter, the Planning Commission shall record its review, analysis and recommendations, in written form, copies of which shall be forwarded to the appropriate body such as the Borough Council, the Zoning Hearing Board or, in certain cases, to the Zoning Officer. The ninety-day period for a decision shall be computed from the date the Planning Commission accepted the subject matter requiring the course of the review; the ninety-day period prescribed above shall be applicable only after the holding of a required public hearing in accordance with public notice required by Act No. 247 and this chapter.
- E. Limitations. The Planning Commission shall function as an advisory body to the Borough Council in accordance with Article II of Pennsylvania Act No. 247 and shall be restricted in its duties to applying the conditions, requirements, regulations and standards imposed by the various sections of this chapter in keeping with its overall intent.
- F. Appeals of Planning Commission, review and recommendations. Any applicant or affected persons may, within 10 days of a decision of the Planning Commission given under § 340-36, appeal to the Borough Council for review. Such review shall be conducted during a regularly scheduled meeting. The Borough Council may affirm, reverse or modify the findings of the Planning Commission.

§ 340-36. Powers and duties related to the Zoning Ordinance.

The Planning Commission of East Washington Borough shall function as both a zoning commission and a planning commission having all powers prescribed by law (see Section 209, Pennsylvania Act No. 247). These powers shall include:

- A. Preparation and presentation of a zoning ordinance (amended) to the Borough Council.
- B. Review of all amendments to the Zoning Ordinance in accordance with the provisions of Section 609, Pennsylvania Act No. 247;
- C. Preparation of and administration of planned residential development controls and regulations;
- D. The holding of public hearings as required by law;
- E. Be of assistance to the Zoning Hearing Board whenever requested, and present to such body, facts, records and any other similar information on specific requests to guide such body in reaching its decision;
- F. Review of all site plans in accordance with the procedures established by this chapter.

§ 340-37. Site plan review procedure for all proposed development.

A. Purpose. In order to assure the satisfactory development of sites within all residential districts, it shall be required that, prior to the use or occupancy of such a lot, building site, parcel or property, a suitable site development plan shall be submitted to the Borough Planning Commission for review (prior to the issuance of a building permit to occupy or use the lot for the uses prescribed in this chapter). For the purposes of site plan review, any proposal for more than four dwellings in an R-1, R-2, R-3 or R-P District shall require the submission of a site development plan to the Planning Commission for review and recommendations to the Borough Council.

B. Submission procedure. Each required site development plan shall be submitted, in writing, to the Planning Commission at least one week prior to its next scheduled meeting.

(1) Submission of site development plan. An owner or owners requiring approval of a site development plan for any applicable residential development shall submit a written letter of application to the Planning Commission. Three copies of the letter of application, together with at least three prints of each drawing submitted as part of the preliminary site development plan and prepared in accordance with the site development specifications, shall be submitted to the office of the Zoning Officer no later than one week prior to the Planning Commission meeting at which consideration is desired. At the time of submittal, a fee of \$5 per dwelling unit or lot, whichever is greater, shall be paid to cover the cost of review.

(2) Preliminary approval.

(a) If the preliminary site development plan is approved by the Planning Commission, the owner is authorized to proceed with the preparation of the final site development plan. Conditional preliminary approval may be given by the Planning Commission subject to modifications or changes requested and recorded by the Planning Commission, in which case the final site development plan may be prepared to include said modifications or changes. A statement approving or disapproving the preliminary site development plan shall be signed by the Chairman or Vice Chairman of the Planning Commission and attached to and made part of the preliminary site development plan.

(b) If a variance or special exception is required from the Zoning Hearing Board which is in any way related to the preliminary site development plan, the Planning Commission decision shall not be binding if such variance or special exception is denied by the Zoning Hearing Board.

(c) Preliminary approval shall confer upon the owner the following rights for a six-month period from the date of approval, unless extended by the Planning Commission:

[1] That the general terms and conditions under which the preliminary site development plan was granted will not be changed.

[2] That the owner may submit on or before the expiration date the final site development plan for final approval.

(3) Final approval.

(a) Three copies of the final site development plan shall be submitted to the Planning Commission for final approval not later than two weeks prior to the meeting at which the plan is to be considered. The submission shall conform to site development specifications. All documents shall bear the seal and signature of the owner's architect and/or engineer.

(b) A final review of the final site development plan shall be accomplished by the Planning Commission. When the final site development plan has been approved by the Planning Commission, the original tracing or tracings shall bear the signature of the Chairman or Vice Chairman of the Planning Commission, attested by the Secretary.

(c) After approval of the final site development plan by the Planning Commission, two copies, revised as recommended by the Planning Commission, shall be submitted to the Borough Secretary. The Borough Council shall consider the final plan at its next regular meeting, provided the copies of the plan are submitted to the Borough Secretary no later than the Wednesday prior to the meeting date. The Borough Council may approve the final site development plan or request changes and modifications.

ARTICLE VII, Historic District [Added 5-15-2006 by Ord. No. 485]

§ 340-38. Declaration.

There is hereby created an historic district within the Borough of East Washington known as the "East Washington Historic District."

§ 340-39. Purposes.

The East Washington Historic District is created to fulfill the following community development objectives:

- A. To protect that portion of the Borough reflecting the cultural, economical, social, political and architectural history of the Borough, the commonwealth and the nation.
- B. To promote the use and reuse of the portions of the Borough for the culture, education, pleasure and the general welfare of the citizens of the Borough, the commonwealth and the nation.
- C. To strengthen the economy of the Borough by stabilizing and improving property values within the historic district.
- D. To enhance the aesthetic quality of the Borough.
- E. To instill in the citizens of the Borough civic pride.
- F. To discourage the demolition of historic resources.

§ 340-40. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH COUNCIL or COUNCIL -- The Borough Council of the Borough of East Washington.

BUILDING -- A structure or appendage to a structure or any part thereof which: is permanently affixed to the land; has one or more floors or stories; and is bounded by either lot lines or yards. A building does not include such structures as fences or structures with interior surfaces not normally accessible to human use, such as oil tanks, or similar structures.

CODE ENFORCEMENT OFFICER -- The officer of the Borough who reviews building permit applications and issues building permits and demolition permits.

DEMOLISH or DEMOLITION -- The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.

HISTORIC DISTRICT -- The East Washington Historic District.

PERMIT -- An approval statement authorizing the demolition, razing, removal or relocation of all or a part of any building or structure within the Historic District.

PERMIT APPLICATION -- The request filed by any person with the Zoning Officer seeking authorization to demolish, raze, remove or relocate all or a part of any building or structure within the Historic District.

PLANNING COMMISSION -- Planning Commission of the Borough of East Washington.

RAZE -- To lay level with the ground.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

ZONING OFFICER -- The officer of the Borough who receives the applications for a conditional use permit.

§ 340-41. Delineation of Historic District.

A. The East Washington Historic District shall be described in writing in this section and delineated on an official map of the Borough.

B. The official Historic District map shall be signed by the Borough Council and located in the office of the Borough Secretary.

C. The East Washington Historic District consists of all land, buildings and structures within the following boundaries: 298-372 East Beau Street, 8-187 South Wade Avenue, 238-355 East Wheeling Street, 9-52 North Avenue and 505-549 East Chestnut Street.

D. The Historic District map shall be deemed to be an overlay on any zoning districts now or hereafter enacted to regulate the use of land in the Borough.

(1) All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this article. In the event of a conflict between the provisions of the Historic District and the underlying zoning district, the provision that is most protective of the historic resource shall apply.

(2) Should the Historic District map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article.

E. The Historic District map may be revised from time to time by ordinance enacted by Borough Council.

§ 340-42. Recommendations regarding demolition.

A. No building or structure within the Historic District shall be demolished, razed (in whole or in part), removed or otherwise relocated without a permit. Demolition, razing, removal or relocation of a building or structure shall be regulated as a conditional use.

B. Any person wishing to demolish, raze, remove or relocate all or part of any building or structure within the Historic District shall submit to the Zoning Officer an application for a conditional use permit with, as an addendum, the information required by § 340-44 attached to it.

C. The Code Enforcement Officer shall not issue a permit for the demolition, razing, removal or relocation of all or part of any building or structure in the Historic District until the Planning Commission

reviews said application and makes its recommendations to Borough Council and Borough Council acts on said recommendation.

D. Upon receipt of said application, the Zoning Officer shall forward a copy of said application and all materials submitted therewith to the Planning Commission.

E. The Planning Commission shall consider said application at its next regularly scheduled meeting or a special meeting. The Planning Commission may require the submission of additional information to assist it in reviewing said application.

F. The Planning Commission shall issue and submit, in writing, to Borough Council, within 30 days of the final meeting or special meeting at which the permit application is reviewed unless said time is extended by agreement of the applicant, its recommendations concerning the granting or denial of a conditional use. The Planning Commission shall recommend that Borough Council either:

- (1) Grant the conditional use and the permit for demolition, razing, removal or relocation; or
- (2) Deny the conditional use and the permit for demolition, razing, removal or relocation.

G. The Planning Commission's report to Borough Council, with the Planning Commission's recommendation concerning the granting or denial of a conditional use permit, shall contain the following:

- (1) A list of the surrounding buildings and structures, with their general exterior characteristics.
- (2) The effect of the proposed demolition, razing, removal or relocation upon the general historic and architectural nature of the Historic District.
- (3) The opinion of the Planning Commission (including any dissent) as to the appropriateness of the demolition, razing, removal or relocation as it will preserve or destroy the historic aspect and nature of the Historic District.
- (4) The specific recommendations of the Planning Commission as to approval or disapproval of the conditional use.

H. If the Planning Commission fails to issue and submit its report and recommendation to Borough Council within the time limit prescribed by Subsection F of this section, the Planning Commission shall be deemed to have submitted to Borough Council the Planning Commission's recommendation that Borough Council approve the conditional use.

I. Upon receipt of the written report from the Planning Commission, Borough Council shall consider at its next regularly scheduled meeting or at a special meeting whether to authorize the Code Enforcement Officer to issue a permit for the work described in the application. The Borough Secretary shall give the applicant 10 days' written notice of the time and place of the meeting at which the application is to be considered. The applicant shall have the right to attend this meeting and to be heard by Borough Council.

J. If Borough Council approves the application, it shall authorize the Code Enforcement Officer to issue to the applicant a permit for the work described in the application. If Borough Council denies the application, it shall communicate its denial to the Code Enforcement Officer, who shall deny the application for a permit.

K. The applicant may appeal from the denial of a permit application as provided by law. For purposes of appeal, the Code Enforcement Officer's denial of the application for a building permit shall commence the appeal period.

§ 340-43. Criteria for consideration.

In reviewing the permit application, the Planning Commission and Borough Council shall consider only those matters which are pertinent to the preservation of the historic and/or architectural aspect and nature of the building or structure, site, area or Historic District, including the following:

A. The effect of the proposed demolition, razing, removal or relocation upon the general historic and architectural nature of the Historic District.

B. The effect of the proposed demolition, razing, removal or relocation upon adjoining and surrounding properties.

C. Alternatives to demolition, razing, removal or relocation and their feasibility, including:

(1) Postponement of demolition, razing, removal or relocation for a period not to exceed nine months; and

(2) Moving the building or structure to another location.

D. All other Borough ordinances, including zoning and subdivision ordinances.

§ 340-44. Application for conditional use permit.

The permit application shall be filed with the Zoning Officer in such form and manner as may be prescribed by the Planning Commission. At a minimum, the applicant shall provide the following information:

A. The same information required in an application for a building permit for demolition, razing, removal or relocation of a building or structure outside the Historic District.

B. A site plan showing all buildings and structures on the property.

C. Recent photographs of the exterior and interior of the building or structure proposed for demolition.

D. Reasons for demolition, razing, removal or relocation.

E. Method of demolition, razing, removal or relocation.

- F. A report from a structural engineer describing the structural condition of the building proposed to be demolished, razed, removed or relocated.
- G. A report from the Code Enforcement Officer indicating the building's compliance with the property rehabilitation and maintenance code.EN
- H. The date of purchase, purchase price and ownership history of the property.
- I. The current assessed value of the land and buildings and improvements.
- J. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
- K. Certified property appraisal.
- L. Documentation of all efforts to sell the property in the preceding three years.
- M. Alternatives to demolition or razing, if any, which the applicant has considered.
- N. Proposed use of the site after demolition or razing and of the materials from the demolished or razed building or structure.
- O. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

§ 340-45. Evidence to support application for conditional use permit.

The applicant shall provide credible evidence that:

- A. The demolition, razing, removal or relocation of the building in question will not adversely affect the historic significance or architectural integrity of neighboring historic buildings or the historic character of the neighborhood or community;
- B. There is no feasibility to continue the current use;
- C. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses or conditional uses, have been denied or are not feasible due to constraints on the building proposed to be demolished;
- D. Adaptive use opportunities do not exist due to constraints related to the building proposed to be demolished or the lot on which it is located;
- E. The proposed new building, structure or use of the property will not adversely affect the historic character or architectural integrity of the neighboring historic properties, the neighborhood or the community;

F. The building proposed to be demolished, razed, removed or relocated, its permitted uses and adaptive use potential, does not provide a reasonable rate of return based on a reasonable initial investment;

G. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

§ 340-46. Conditions for issuance of permit.

A permit for the proposed conditional use of any building shall not be issued prior to and where applicable:

A. The recording of an approved subdivision or land development plan for the property where the demolition, razing, removal or relocation is proposed; and

B. Issuance of any necessary zoning approvals.

§ 340-47. Demolition by neglect.

A. No building or structure within the Historic District shall be demolished by neglect.

B. "Demolition by neglect" includes:

(1) Deterioration of exterior walls or other vertical supports, roofs or other horizontal members and external chimneys such that the structural integrity of the building or structure may be threatened or compromised;

(2) Ineffective waterproofing of exterior walls, roofs and foundations causing or contributing to the deterioration specified in Subsection A above;

(3) Significant rotting and other forms of decay;

(4) Creation of any hazardous or unsafe condition or conditions; or

(5) Leaving a building or structure open or vulnerable to vandalism or decay by the elements.

§ 340-48. Enforcement; violations and penalties.

A. The Code Enforcement Officer and the Zoning Officer, as the case may be, shall have such power to institute a proceeding at law or in equity to enforce the provisions of this article as is provided elsewhere in the Code of the Borough and the Pennsylvania Municipalities Planning Code.

B. Any person demolishing, razing, removing or relocating or causing the demolition, razing, removal or relocation of all or part of any building or structure without first obtaining a conditional use permit in accordance with this article shall be fined \$500 per day for each day the violation is unabated. Furthermore, the Code Enforcement Officer shall withhold issuing any permit for a minimum of one year

for a site where any building or structure was demolished, razed, removed or relocated in violation of this article.

C. Any person permitting or causing demolition by neglect shall be subject to a fine of \$500 per day for each day the violation is unabated or uncorrected.