

ORDINANCE #344

AN ORDINANCE ADOPTING A NEW ZONING ORDINANCE FOR MILESBERG BOROUGH, PENNSYLVANIA, BY RE-ENACTING AND REPLACING IN ITS ENTIREY THE EXISTING ZONING ORDINANCE.

WHEREAS, the Pennsylvania Municipalities Planning Code authorizes and empowers the Borough to adopt and amend Zoning Ordinances: and

WHEREAS, the Borough Council has determined that adoption of a new Zoning Ordinance is appropriate and necessary to promote, protect and facilitate the public health, safety, morals, and the general welfare of the citizens of the Borough; and

WHEREAS, recommendations of an from the Centre County Planning Agency have been sought and received by the Borough Council at least 45 days prior to January 13, 1214.

WHEREAS; the Milesburg Planning Commission, has conducted a public hearing on the proposed new Zoning Ordinance on September 9, 2013, and has submitted its recommendations to the Borough Council; and


WHEREAS; a public hearing has been conducted on the adoption of the Zoning Ordinance in compliance with the Municipalities Planning Code and all appropriate notices and posting have been effectuated;

NOW THEREFORE, it is hereby ORDAINED, that

1. The 2013 Zoning Ordinance, attached hereto and incorporated herein by reference, is hereby adopted.
2. Any and all Zoning Ordinances in force and effect prior to the date of this Ordinance are hereby repealed.
3. Ordinance #333 is hereby repealed.

ENACTED AND ORDAINED THIS 13TH DAY OF JANUARY, 2014.

Attest:



Paul J. Hall

Secretary-Treasurer

MILESBERG BOROUGH

Paul J. Bartley

Council President

Chad L. Kelleman

Mayor

ORDINANCE #344

1. ARTICLE I

GENERAL PROVISIONS

102 Short Title

This Ordinance shall be known and may be cited as the Milesburg Borough Zoning Ordinance.

103 Purpose

This Zoning Ordinance has been prepared in accordance with the Milesburg Borough Comprehensive Development Plan of 1976 and the Pennsylvania Municipalities Planning Code (PA MPC), Act 247, as amended; with consideration for the character of the municipality, its various parts, and the suitability of the various parts for the particular uses and structures, and is enacted for the following purposes:

- a. To promote, protect, and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, and other public requirements, as well as;
- b. To prevent one or more of the following: Overcrowding of land, danger and congestion in travel and transportation or other dangers.

104 Interpretation

In interpreting and applying the provisions in this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; providing, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

105 Uses Not Provided For

Whenever, in any District established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property Owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose of the Ordinance.

106 Statement of Community Development Objectives

The Statement of Community Development Objectives is hereby supplied by reference to the Milesburg Borough Comprehensive Development Plan of 1976 under the section entitled "Statement of Purpose, Goals, and Objectives".

107 Effective Date

This Ordinance shall become effective immediately.

2. ARTICLE II

GLOSSARY OF ZONING TERMS

201 Application and Interpretation

It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers, Borough Council, and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated:

- a. Words used in the present tense include the future tense.
- b. The word "person" includes a profit or non-profit corporation, company, partnership, or individual.
- c. The words "used" or "occupied" as applied to any land or building include the words "intended," "arranged," or "designed" to be used or occupied.
- d. The word "building" includes structure.
- e. The word "lot" includes plot or parcel.
- f. The word "shall" is always mandatory.

202 Definition of Terms

For the purpose of this Ordinance, the following words, terms, and phrases have the meaning herein indicated:

Accessory Building: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult oriented business (use): Any business, establishment, or use which offers materials, services, or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or any business or establishment within which the conduct of business is restricted to persons age eighteen (18) and older.

Alley or Service Drive: A minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Lot: The total area within the lot lines.

Auto Repair Garage: Establishments primarily permitted within a residential area engaged in the repair and maintenance of vehicles to the general public excluding dismantling, salvage, and storage.

Building, Principal: A structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind, main structure on a given lot.

Building, Front Line Of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

Building, Height Of: The vertical distance measured from the lowest elevation of the proposed finished grade of the building to the highest point of the roof. Chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

Building Line: The line of a structure or building existing at the effective date of this Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

Business Identification Sign: A sign bearing the name of the occupant of a premises and the name of products manufactured, processed, sold or displayed thereon.

Cartway: That portion of streets lying between the curb lines and designed and intended primarily for vehicular travel.

Comprehensive Plan: A Comprehensive Plan (or Community Development Plan) consists of maps, charts, and textual matter and indicates the recommendations of the planning commission for the continuing development of the municipality. The comprehensive plan includes, but is not limited to the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations from the Borough Planning Commission and County Planning Agency.

Coverage: That portion or percentage of the plot or lot area covered by the building area.

Density: A measure of the number of dwelling units which occupy or may occupy an area of land.

Density Factors: Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

Department of Health: When Department of Health is mentioned it refers to the Pennsylvania Department of Health, or any such successor agency given charge with monitoring mobile home parks either by the Commonwealth of Pennsylvania, the County, or the Borough.

Dwelling: A building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants. The term dwelling as used herein shall include rooming houses and multi-family dwellings as well as single family dwellings unless otherwise indicated.

Dwelling Types:

Residential Conversion Unit: To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that district for that particular use.

Single-Family Detached: A dwelling unit accommodating a single family and having two (2) side yards.

Single-Family Semi-Detached: Two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.

Two-Family Detached: Two dwelling units accommodating two families which are located one over the other, and having two (2) side yards.

Two Family Semi-Detached: Four dwelling units accommodating four families, two units of which are located directly over the other two units. A combination of both the single-family semi-detached and the two-family detached structures.

Townhouse (Row Dwelling): Three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories in height; but may conceivably be either one (1) or three (3) stories in height.

Garden Apartment: Three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Single-family dwelling units are generally built to a height of three (3) stories, but may conceivably be built to a height of only two (2) stories. Each dwelling unit is accessible by a common stairwell.

Apartment House: A structure consisting of a series of single-story dwelling units (two-story units may conceivably be used in certain instances) clustered on a floor about a central elevator shaft or central corridor, each series, consisting of one story, being stacked one upon the other to a specified maximum height.

Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Flood: A temporary inundation of normally dry land areas.

Flood Fringe: That portion of the flood plain outside the floodway.

Flood, One Hundred Year: A flood that, on the average, is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year); for purposes of this Ordinance, the Regulatory Flood. See Milesburg Borough Floodplain Management Ordinance #326.

Flood Plain: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source as designated in the Milesburg Borough Floodplain Management Ordinance #326.

Flood Plain Ordinance: The Floodplain Management Ordinance #326 as enacted by the Milesburg Borough Council on April 13, 2009, as may be amended from time to time.

Regulatory Flood: The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Ordinance, the one hundred year flood.

Floodway: The area of a flood plain required to carry and discharge flood waters of a given magnitude as designated in the Milesburg Borough Floodplain Management Ordinance #326. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area Retail, Net: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer; but not to include office space, storage space and other general administrative area.

Group home: A dwelling unit operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals larger than a family, where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such licenses must be delivered to the municipality prior to beginning the use. Group homes shall be subject to the same limitations and regulations by the municipality as single-family detached dwellings, except insofar as and where such limitations and regulation would result in a tendency to perpetuate segregation of the challenged (mentally, physically, emotionally) person in housing patterns, as substantiated by reasonable evidence provided to the governing body.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, no more than twenty-five (25%) percent of the building floor area is used, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein.

Lot: Land occupied or to be occupied by a building and its accessory building, or by a dwelling group and its accessory buildings together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district which such land is situated, and having its principal frontage on a street on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot, Corner: A parcel of land at the junction of and abutting on two or more intersecting streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

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

Mobile Home Park: Any plot of ground upon which two or more mobile homes or manufactured homes occupied for dwelling or sleeping purposes are located, and which is subject to the provisions of the Milesburg Borough Ordinance #206-A adopted December 5, 1983, as amended from time to time.

Motor Home: A vehicle motorized or un-motorized so constructed as to permit its being used as a conveyance upon public streets or highways, whether titled or untitled as such or not, and constructed in such a manner as to permit occupancy either temporary or permanent as a dwelling or sleeping place for one or more persons.

Municipality: Milesburg Borough, Centre County, Pennsylvania

Neighborhood Commercial: A commercial establishment which provides an outlet for convenience goods that meet daily needs such as foods, hardware, drugs and personal services. A neighborhood commercial establishment is designed and intended solely for the use of residents of the immediate area within the community; it is not intended to serve the entire community.

Nonconforming Lot of Record: A lot officially recorded prior to enactment of this ordinance which by reason of design or size does not conform with the requirements of the district in which located.

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

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

Open Space: A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

Property Line: A recorded boundary of a lot. However, any property line which abuts a “street” or other public or quasi-public way shall be measured from the full right-of-way.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Secondary Apartment: A small partially self-sufficient apartment in a single family house for a use by a roomer who is not necessarily a member of the family. A typical example is a “basement apartment”. A completely self-sufficient unit with separate entrance, living, kitchen and bath facilities constitutes a dwelling unit and is to be distinguished from a secondary apartment.

Services, Essential: Uses, necessary for the preservation of the public health and safety or for the furnishing of utility services to the public, but not limited to, the erection, construction, alteration or maintenance by public utilities, or governmental bodies or underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, tanks, pump stations, water lines, or other similar equipment. All essential use exceptions to be approved by either Borough Council or Borough Zoning Hearing Board (Ordinance #257 March, 23, 1998)

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency or of any civic, charitable, religious, patriotic or similar organization.

Special Exception: The granting of a modification of the provisions of an Ordinance as authorized in specific instances listed, and under terms, procedures, and conditions as prescribed in the PA MPC. Special exceptions are administered by a Zoning Hearing Board.

Street: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian travel whether public or private which may also be used to provide space for sewers, utilities and sidewalks. The word street includes avenue, boulevard, road, highway, lane, alley, and viaduct.

Street Line: The edge of the paved or unpaved surface, not necessarily including the right-of-way.

Variance: A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardships, not self-imposed, pursuant to the provisions of this Ordinance and pursuant to the provisions of Section 912 of the PA MPC.

Yard: An unoccupied space open to the sky, on the same lot with a building or structure.

Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way.

Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

Yard, Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

3. ARTICLE III

DESIGNATION OF DISTRICTS

301 General Districts

For the purpose of this Ordinance, the Borough is hereby divided into seven (7) types of Districts which shall be designated as follows:

R-1	Low Density Residential District
R-2	Medium Density Residential District
RC	Residential Commercial District
CBD	Central Business District
I-1	Industrial District
OS	Open Space District
FP	Flood Plain District

302 Zoning Map

The boundaries of said Districts shall be shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by references into this Ordinance as if all were fully described herein.

303 District Boundaries

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:

- a. District boundary lines are intended to follow or be parallel to the center lines of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan or record in the County Recorder of Deeds Office at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.

304 Interpretation of Boundaries

In case of any uncertainty, the Borough Council shall interpret the intent of the map as to location of District boundaries.

4. ARTICLE IV

LOW DENSITY RESIDENTIAL DISTRICT

401 Purpose

The purpose of the R-1 Low Density Residential District is to provide for the orderly expansion of low-density residential development in those areas where single-family homes are predominant and some developable land still exists.

402 Permitted Uses

- a. Single-family detached dwellings excluding mobile homes (Ordinance 195-A July 7, 1980).
- b. Private swimming pools
- c. Accessory buildings and uses customarily incidental to the above.
- d. Essential services

403 Conditional Uses

- a. Home occupations, provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than that which is permitted by right in this Article. (See also Article XI, Section 1102.)

404 Height Regulations

The height of a building shall not be greater than thirty-five (35) feet.

405 Area and Bulk Regulations

- a. Single-family detached dwelling.
 1. Minimum lot size per unit 10,500 sq ft.
 2. Minimum lot width 75 ft.
 3. Minimum any one side yard setback 10 ft.
 4. Minimum aggregate side yard setback 20 ft.
 5. Minimum front yard setback 20 ft.
 6. Minimum rear yard setback 20 ft.
 7. Minimum accessory setback,
side or rear yard eave line. 5 ft

5. ARTICLE V

MEDIUM DENSITY RESIDENTIAL DISTRICT

501 Purpose

The purpose of the R-2 Medium Density Residential District is to provide for the orderly development of existing and proposed medium density residential areas including some multi-family dwellings; and to exclude those uses not compatible with such development.

502 Permitted Uses

- a. Single-family detached dwellings, including mobile homes.
- b. Single-family semi-detached dwellings.
- c. Two-family detached dwellings.
- d. Two-family semi-detached dwellings.
- e. Private swimming pools
- f. Public uses and essential services.
- g. Accessory buildings and uses customarily incidental to the above.
- h. Churches.
- i. Public schools

503 Conditional Uses

- a. Boarding and lodging houses, provided that not more than four (4) rooms of a residence are used for such purposes.
- b. Home occupations provided that no facade shall indicate from the exterior that the building is being utilized for any purpose other than that which is permitted by right in this Article. (See also Article XI, Section 1102.)
- c. Conversion of existing buildings to any of the permitted uses providing all regulations pertaining to the new use are met.
- d. Secondary apartment with not more than one for each separate structure.
- e. Mobile Home Park
- f. Townhouses.
- g. Garden Apartments.

h. Low-rise Apartments.

i. Barber Shop, Beauty Shop, and Floral shop (Ordinance #271 May 10, 1999)

504 Height Regulation

The height of a building shall not be greater than forty (40) feet.

505 Area and Bulk Regulations

a. Single-family detached dwelling.

1.	Minimum lot size per unit	6,000 sq. ft.
2.	Minimum lot width	50 ft.
3.	Minimum any one side yard setback	8 ft.
4.	Minimum front yard setback	20 ft.
5.	Minimum rear yard setback	20 ft.
6.	Minimum accessory eave line setback, side or rear yard	5 ft.

b. Single-family semi-detached dwelling.

1.	Minimum lot size per structure	7,500 sq ft.
2.	Minimum lot width	75 ft.
3.	Minimum side yard setback	10 ft.
4.	Minimum front yard setback	20 ft.
5.	Minimum rear yard setback	20 ft.
6.	Minimum accessory eave line setback, side or rear yard.	5 ft.

c. Two-family detached dwelling.

1.	Minimum lot size per structure	7,500 sq ft.
2.	Minimum lot width	75 ft.
3.	Minimum side yard setback	10 ft.
4.	Minimum front yard setback	20 ft.
5.	Minimum rear yard setback	20 ft.
6.	Maximum accessory eave line setback, side or rear yard.	5 ft.

d. Two-family semi-detached dwelling

1.	Minimum lot size per structure	15,000 sq ft.
2.	Minimum lot width	150 ft.
3.	Minimum side yard setback	15 ft.
4.	Minimum front yard setback	20 ft.
5.	Minimum rear yard setback	20 ft.
6.	Minimum accessory eave line setback, side or rear yard.	5 ft.

e. Townhouse dwelling

1. Maximum eight (8) dwelling units per acre
2. Minimum lot width 200 ft.
3. Minimum lot depth 200 ft.
4. Minimum front yard setback 20 ft.
5. Minimum rear yard setback 20 ft.
6. Maximum impervious coverage 75%

f. Multi-family dwellings including garden apartments, townhouse dwellings, and low rise apartments.

1. Density: Maximum permitted gross density for multi-family residential uses in this district shall be established through Density Factors which are based upon the likely impact of each dwelling unit size.
2. Density Factors shall be assigned each dwelling unit type in accordance with the following table:

<u>Multi-family Type</u>	<u>Density Factor</u>
Efficiency Unit	2
One-bedroom Unit	2
Two-bedroom Unit	3
Three-bedroom Unit	4
Four-bedroom Unit	6
More than four-bedroom Unit	8

3. At no time shall the aggregate Density Factors per acre for any multi-family development exceed twenty-six (26) per acre.
4. Minimum lot width 200 ft.
5. Minimum lot depth 200 ft.
6. Minimum front yard setback 20 ft.
7. Minimum side yard setback 20 ft.
8. Minimum rear yard setback 20 ft.
9. Maximum impervious coverage 75 %
10. Maximum height – three stories or 40 feet, whichever is less.

g. Boarding and Lodging Houses

1. Minimum front yard setback 20 ft.
2. Minimum side yard setback 8 ft.
3. Minimum rear yard setback 20 ft.
4. Maximum height – three stories or 40 feet, whichever is less.

h. Off-Street Parking

(See Article XI.)

i. Signs

(See Article XI.)

6. ARTICLE VI

RESIDENTIAL COMMERCIAL DISTRICT

601 Purpose

The purpose of the RC Residential Commercial District is to provide for the orderly development of compatible residential and commercial uses in an area which has been characteristic of this type of development. It is also to exclude uses not compatible with this objective.

602 Permitted Uses

- a. Single-family detached dwellings, including mobile homes.
- b. Single-family semi-detached dwellings
- c. Two-family detached dwellings.
- d. Business or professional office, bank, savings and loan association or other financial institution, passenger station for public transportation.
- e. Retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, job printing, and department stores.
- f. Restaurant, tearoom, café, confectionery or other place serving food or beverages.
- g. Indoor theatre, bowling lanes or other similar place of indoor recreation.
- h. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleaning.
- i. Automatic self –serve laundry and dry-cleaning establishment.
- j. Any use which is similar to the above and which is not primarily a highway type commercial establishment.
- k. Auto repair garage (operating hours 8 am to 8 pm Monday through Friday, 8 am to noon Saturday, closed Sunday)
- l. Appropriate public uses and essential services

603 Conditional Uses

- a. Adult uses
- b. Boarding and lodging houses – provided that not more than four (4) rooms of a residence are used for such purpose
- c. Conversion Unit – Conversion of existing buildings to any of the permitted uses provided that all regulations pertaining to the new uses are met.
- d. Group home.
- e. Secondary apartment – with not more than one for each separate structure.

604 Area and Bulk Regulations

- a. Impervious Coverage: No lot shall be covered by more than seventy percent (70%) by impervious surface.
- b. Height: Three stories or forty (40) feet maximum.
- c. Setbacks: front 5 ft.
side 5 ft.
rear 15 ft.

accessory buildings 2 feet from eave line, side and rear

605 Off-Street Parking

(See Article XI.)

606 Signs

(See Article XI.)

7. ARTICLE VII

CENTRAL BUSINESS DISTRICT

701 Purpose

- a. To provide for a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, planned and designed as a integrated unit, in a manner so as to provide an efficient, safe, convenient, and attractive shopping area.
- b. To encourage the preservation and revitalization of the central business areas.
- c. To provide for orderly development, expansion, and improvement of the central business area.
- d. To provide an area for combined residential and commercial uses.
- e. To exclude uses not compatible with the above objectives.

702 Permitted Uses

- a. Single-family detached dwellings.
- b. Single-family semi-detached dwellings
- c. Two-family detached dwellings.
- d. Two-family semi-detached dwellings
- e. Any generally recognized retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances, including repair services and job printing.
- f. Personal service shops and establishments such as: barber and beauty shops, dry cleaning and laundry pick-up service, shoe shine and repair, self-service laundry and dry-cleaning, and tailor shops.
- g. Restaurants and similar business establishment serving food and beverages.
- h. Medical and dental clinics; hospitals.
- i. Business and professional offices.

- j. Passenger station for public transportation.
- k. Hotels, motels.
- l. Schools.
- m. Other uses similar to the above in the opinion of Borough Council being subject to the following regulations:
 - 1. All business establishments shall be retail or service establishments dealing directly with consumers.
 - 2. All businesses, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- n. Appropriate public uses and essential services.
- o. Accessory buildings and uses customarily incidental to the above uses.

703 Conditional Uses

- a. Automobile service stations, and public garages, providing that the following standards and conditions are compiled with:
 - 1. A set of plans, specifications and site plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
 - 2. All pumps shall be located outside of buildings and on private property and in no case within twenty (20) feet of any street line; subject to such conditions and safeguards as the Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.
 - 3. All automotive parts, dismantled vehicles and similar articles are stored within a building.
- b. Conversion Unit – Conversion of existing buildings to any of the permitted uses provided that all regulations pertaining to the new use are met.
- c. Boarding and lodging houses – provided that not more than four (4) rooms of a residence are used for such purpose.

704 Height Regulations

The height of a building shall not be greater than forty (40) feet.

705 Area and Bulk Regulations

a. Single-family detached dwelling.

1.	Minimum lot size per unit	6,000 sq. ft.
2.	Minimum lot width	50 ft.
3.	Minimum any one side yard setback	8 ft.
4.	Minimum aggregate side yard setback	16 ft.
5.	Minimum front yard setback	15 ft.
6.	Minimum rear yard setback	15 ft.
7.	Minimum accessory setback, side or rear yard eave line.	5 ft.

b. Single-family semi-detached dwelling.

1.	Minimum lot size per structure	7,500 sq. ft.
2.	Minimum lot width	65 ft.
3.	Minimum side yard setback	8 ft.
4.	Minimum front yard setback	15 ft.
5.	Minimum rear yard setback	15 ft.
6.	Minimum accessory eave line, side or rear yard	5 ft.

c. Two-family detached dwelling.

1.	Minimum lot size per structure	7,500 sq. ft.
2.	Minimum lot width	65 ft.
3.	Minimum side yard setback	8 ft.
4.	Minimum front yard setback	15 ft.
5.	Minimum rear yard setback	15 ft.
6.	Minimum accessory setback, side or rear yard eave line.	5 ft.

d. Two-family semi-detached dwelling.

1.	Minimum lot size per structure	9,000 sq. ft.
2.	Minimum lot width	80 ft.
3.	Minimum side yard setback	10 ft.
4.	Minimum front yard setback	15 ft.
5.	Minimum rear yard setback	15 ft.
6.	Minimum accessory eave line, side or rear yard	5 ft.

e. Townhouse dwelling.

1.	Maximum eight (8) dwelling units per acre	
2.	Minimum lot width	200 ft.
3.	Minimum lot depth	200 ft.
4.	Minimum front yard setback	20 ft.

- 5. Minimum rear yard setback 20 ft.
- 6. Maximum impervious coverage 75%

f. Multi-family dwellings including garden apartments, townhouse dwellings and low-rise apartments.

- 1. Density: Maximum permitted gross density for multi-family residential uses in this district shall be established through Density Factors which are based upon the likely impact of each dwelling unit size.
- 2. Density Factors shall be assigned each dwelling unit type in accordance with the following table:

<u>Multi-family Type</u>	<u>Density Factor</u>
Efficiency Unit	2
One-bedroom Unit	2
Two-bedroom Unit	3
Three-bedroom Unit	4
Four-bedroom Unit	6
More than four-bedroom Unit	8

- 3. At no time shall the aggregate Density Factors per acre for any multi-family development exceed twenty-six (26) per acre.
- 4. Minimum lot width 200 ft.
- 5. Minimum lot depth 200 ft.
- 6. Minimum front yard setback 20 ft.
- 7. Minimum side yard setback 20 ft.
- 8. Minimum rear yard setback 20 ft.
- 9. Maximum impervious coverage 75%
- 10. Maximum height – three stories or 40 feet, whichever is less

g. Boarding and Lodging Houses

- 1. Minimum front yard setback 20 ft.
- 2. Minimum side yard setback 8 ft.
- 3. Minimum rear yard setback 20 ft.
- 4. Maximum height – three stories or 35 feet, whichever is less

h. Commercial Establishments

- 1. Minimum lot size per unit 5,000 sq. ft.
- 2. Minimum lot width 30 ft.
- 3. Minimum side yard setback 5 ft.
- 4. Minimum front yard setback 10 ft.

- | | | |
|----|--|--------|
| 5. | Minimum rear yard setback | 15 ft. |
| 6. | Maximum accessory setback side
or rear yard eave line | 2 ft. |
- i. Off-Street Parking
(see Article XI)
 - j. Signs
(see Article XI)

8. ARTICLE VIII

INDUSTRIAL DISTRICT

801 Purpose

The purpose of the I-1 Industrial District is to provide sufficient space, in appropriate locations, to meet the current and anticipated future needs for a wide range of industrial activity.

802 Permitted Uses

a. Industrial plant manufacturing, processing or assembling including but not limited to the following:

1. Food and kindred products
2. Furniture and fixtures.
3. Printing, publishing and allied industries.
4. Biological products, drugs, medicinal chemicals and pharmaceutical preparation.
5. Fabricated metal products provided no stamping, punching or pressing machine weighing more than ten tons is installed or used.
6. Office, computing and accounting machines.
7. Research engineering or testing laboratories.
8. Electric Power Plants.

b. Warehouse and distribution centers.

c. Truck and bus terminals and related facilities.

d. Repair and maintenance facilities.

e. Access ways to adjacent properties.

f. Commercial uses solely for the purpose of:

1. Public relations; or
2. For the use and benefit of employees of the industry.

g. Essential services.

803 Conditional Uses

Disposal and waste storage areas incidental to the operation of industrial activities.

Appropriate public uses.

804 Performance Standards

All operations shall be carried on in a completely enclosed building, with the exception of off-street parking and loading facilities, and shall be operated and maintained in compliance with applicable laws, rules and regulations, decrees and orders, adopted or promulgated by governmental or judicial authorities.

805 Permitted Accessory Uses – Located on the Same Lot with the Permitted Principal Use

- a. Customary accessory uses and buildings incidental to any of the above permitted uses.
- b. Off-street parking and loading facilities and signs.
(See Article XI)
 1. Advertising signs and structures, providing that such signs or structures relate or refer directly to the materials, made, sold, or displayed on the premises, and further providing that such signs and structures are in conformance with the provisions of Article XI-1102, Sign Regulations of this Ordinance.

9. ARTICLE IX

OPEN SPACE DISTRICT

901 Purpose

The purpose of the OS – Open Space District is to provide for the preservation and conservation of the open spaces while providing for such uses and development as are compatible with these objectives; and to provide appropriate space for recreation use that is compatible with the surrounding districts.

902 Uses Permitted

A lot or parcel may be used for any of the following purposes:

- a. Recreation areas including playgrounds, picnic areas, and other appropriate areas; schools.
- b. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material.
- c. Agricultural uses related to the tilling of the land.
- d. Essential services.
- e. Buildings: Only those structures deemed appropriate for permitted uses.

903 Conditional Uses

- a. Appropriate public uses.
- b. Cemeteries.

10. ARTICLE X

FLOOD PLAIN OVERLAY DISTRICT

1001 Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- a. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies,
- b. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding,
- c. requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/ or flood proofed against flooding and flood damage,
- d. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

1002 Applicability

These provisions shall apply to all lands within the jurisdiction of Milesburg Borough and shown on the Milesburg Borough Zoning Map as being located within the boundaries of the Floodway, Flood-Fringe, and General Floodplain Districts.

1003 Compliance

It is the intention of this district classification to provide special regulations to protect life and property, and to minimize or eliminate economic and personal loss, and public cost of rescue and cleanup, due to flooding. The specific provisions and regulations concerning the areas within the Floodplain District may be found in the Milesburg Borough Floodplain Management Ordinance # 326. Compliance with the regulations of the Floodplain Management Ordinance and the underlying Zoning District are mandatory.

1004 Floodplain District Boundary Changes

The boundary of the Floodplain District shall be as shown on the most recent Flood Insurance Rate Map, as published by the Federal Emergency Management Agency, which is herein adopted and incorporated into this Ordinance by reference. Should FEMA publish an updated version of the FIRM, said map shall supersede the existing map, without formal amendment of this Ordinance.

11. ARTICLE XI

SUPPLEMENTAL REGULATIONS

1101 Off-Street Parking

a. General Regulations

1. Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
2. Notwithstanding the above all parking spaces shall be ample in size for all vehicles. The net parking space per vehicle shall not be less than nine (9) feet wide and eighteen (18) feet long. Outdoor parking spaces and the approaches thereto, shall be paved, or covered with gravel or cinders.
3. If separated from the principal building a garage shall conform to all accessory building requirements. The space above an underground garage shall be deemed to part of the open space of the lot on which it is located.
4. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Borough Council.
5. Surfacing: Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface.

b. Parking Facilities Required

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1. Residential – At least two (2) off-street parking spaces must be provided for each dwelling unit.

2. Commercial

<u>Uses</u>	<u>One Parking Space for Each</u>
Retail Business	250 sq. ft of gross floor area.
Personal Service Shop	350 sq. ft. of gross floor area
Restaurants	3 seats or 3 persons based on design capacity plus 0.5 for each employee.
Business and Professional	250 sq. ft. of gross floor area
Hotels and Motels	1.2 per guest unit
Boarding and Lodging Houses	1 per guest unit plus 2 for permanent residents
Nursing and Convalescent Homes	Employee plus one visitor space for each 3 beds.
All other uses	Based upon similar uses above

3. Industrial

- i. One and one half (1 ½) parking spaces for each employee on the major shift.
- ii. Space shall be provided in addition to the above requirements for salesmen and other visitor parking, according to specific needs.

4. Loading and Unloading Space

In addition to the off-street parking space required above, any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles.

1102 Signs

a. Erection and Maintenance of Signs

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

b. Business Identification Signs

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises. The size of business identification signs shall not exceed eighty (80) square feet on each side.

c. General Regulations for All Signs

The following regulations shall apply to all permitted sign uses:

1. No sign shall project closer than one foot to the street line.
2. Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottommost part of the sign.
3. No sign shall exceed fifteen (15) feet in height.
4. A permit shall be required for the erection or alterations of business identification signs.
5. Advertising painted upon or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply. This regulation shall not apply to advertising sign boards which pertain to products or services sold on the premises.
6. Each sign shall be removed when the circumstances leading to its erection no longer apply.
7. In all districts, only those signs referring directly to materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted.
8. Business signs may be erected and maintained provided that: (a) the area of one side or any free-standing sign may not exceed eighty (80) square feet, and, (b) not more than one such sign shall be erected on each street frontage.

d. Limitations on Signs in Residential Districts

From each use, no sign intended to be read from off the premises shall be permitted except:

1. Name plates not exceeding two square feet in area indicating name of occupant.
2. Non-flashing bulletin boards, illuminated with white lights only, not exceeding 25 square feet in area for public, semi-public or religious institutions when located closer than five feet to any street line.
3. Unlighted real estate signs not exceeding nine square feet in area advertising the sale, rental, lease or exchange of the premises upon which the signs are placed and located no closer than five feet to any street line.
4. Home occupations – one unlighted sign not exceeding six square feet in area attached flat against the building containing such occupation, or two square feet in area detached from the building.
5. Tourist homes and mortuaries – one non-flashing sign illuminated with white light only, not exceeding 20 square feet in area when located on the same premises and no closer than five feet to any street line.

e. Prohibited Uses and Signs

The following are not permitted:

1. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.

f. General Regulations for Lighting

1. All lighting shall be shielded with full cut-off luminaries and shall be designed so that it does not reflect or beam onto adjacent properties. No lighting shall be permitted which is so great an intensity as to constitute a nuisance to neighboring properties.
2. Lighting fixtures and full cut-off luminaries shall not be higher than 25 feet above the finished grade of the site.

1103 Swimming Pools

- a. Private Swimming Pools: Private swimming pools, in Districts where permitted, shall comply with the following conditions and requirements:
 - 1. The pool is intended, and is to be used, solely for the enjoyment of the occupants of a principal use of the property on which it is located.
 - 2. The swimming pool area (excluding above-ground pools) or the entire property on which it is located shall be so walled or fenced or otherwise protected as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than four (4) feet in height.

1104 Projections into Required Yard

The following projections into yards and courts shall be permitted:

- a. Cornices, eaves, belt courses, sills or other similar architectural features, exterior stairway, fire escape or other required means of egress, rain lead or chimney may extend or project into a required yard not more than two (2) feet.

1105 Front Yard Exception

- a. In any use district when fifty (50) percent or more of the block frontage containing a lot upon which a proposed building is to be located is already improved with buildings having front yards of less depth than that required for that particular use district, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage.

1106 Mobile Home Park

- a. A mobile home park shall only include mobile homes of single width but shall not include travel trailers or motor homes.
- b. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section.
 - 1. Setback from Tract Boundary - No mobile home, auxiliary park buildings and other park structures may be located closer than forty feet (40') to any boundary of a mobile park, regardless of whether that boundary abuts a lot, water body, road or other right-of-way.

2. Minimum Structure Setbacks –

(a) Front Yard - In no case shall the long side of a mobile home be located closer than thirty feet (30') from the edge of the street right-of-way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to the street right-of-way than twenty-five feet (25'). No more than six (6) mobile homes in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').

(b) Side and Rear Yards - No mobile home or accessory building may be located closer than ten feet (10') to any side or rear lot line of an individual mobile home lot.

(c.) Distance Between Structures - Mobile homes and roofed structures of areas attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two mobile homes shall be thirty feet (30').

- c. Off-Street Parking and Loading - Pursuant to section 1101 of this Ordinance, as amended.
- d. Signs - Pursuant to section 1102 of this Ordinance, as amended.

1107 Nonconforming Use

a. A "Certification of Nonconformance: shall be issued by the Zoning Officer for all structures and uses which are in conflict with the use designated for the zone in which they are situated, when requested by the owner of such structure or use. However, all nonconforming uses and nonconforming structures shall be identified and listed by the Zoning Officer within eight (8) months of the adoption of this ordinance.

b. Continuation

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

c. Extensions

- 1. A nonconforming use of a building may be extended throughout the building if no structural alterations are made therein; provided that

such extension may include structural alterations when authorized as a variance when the Zoning Hearing Board finds that such structural alterations will not adversely affect adjoining property.

2. In all Districts, a nonconforming use may be extended upon a lot occupied by such use and held in single and / or separate ownership at the effective date of this Ordinance when authorized as a variance; provided that such extension does not replace a conforming use, does not violate the yard and coverage requirements of the zone in which the nonconforming use exists.

d. Nonconforming Lot of Record

1. In any district, in which single-family houses are permitted, a single-family house and customary accessory building may be erected on any lot of record in existence at the effective date of the Ordinance. In a request for a variance, consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of re-subdividing the area when two or more nonconforming lots have continuous frontage and are in single ownership.
2. This provision shall apply even though such lot fails to meet requirements of side, front or rear yards or minimum lot area requirements applicable in the district in which the lot is located.

e. Restoration

1. Any repairs or restoration of a nonconforming structure which is damaged or destroyed by fire, windstorm, explosion, act of God or the public enemy, or similar cause deemed to be no fault of the owner, shall be considered permissible.

f. Changes

1. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a variance by the Zoning Hearing Board.

g. Abandonment

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

h. Nonconforming Use of Open Land

1. All nonconforming signs, junk storage areas, storage areas, and similar nonconforming use of open land when discontinued for a

period of ninety days, or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

1108 Conditional Uses

Uses specified as conditional within the District Regulations of this Ordinance shall be permitted only after review by the Planning Commission and approval by the Borough Council based on the determination that the conditional use is appropriate to the specific location for which it is proposed, consistent with the community development plan, and in keeping with purposes and intent of this Ordinance. The following criteria shall be used as a guide in evaluating a proposed conditional use:

- a. The presence of adjoining similar uses.
- b. An adjoining zone district in which the use is permitted.
- c. The need for the use in the area proposed as established by the Comprehensive Plan or other valid service.
- d. Sufficient area to effectively screen the conditional use from adjacent different uses.
- e. The use will not detract from the permitted uses of the District.
- f. Conditions were such that there were several potential sites for the particular use but not sufficient need to establish a permitting zone district or to leave the District open to the indiscriminate placement of such use.
- g. Sufficient safeguards such as parking, traffic control, screening, and setbacks can be included to remove any potential adverse influences the use may have on adjoining uses.
- h. Conditional uses shall not be permitted on any lot which is bounded on more than one side by property containing an existing single family residence.

1109 Driveway Paving

- a. Owners or occupiers of land situate within Milesburg Borough who wish to cause a driveway abutting any road, street, alley, or public right-of-way to be paved or blacktopped must first obtain a permit from the Zoning Officer.
- b. A permit shall be requested of any owner or occupant who seeks to pave or blacktop a driveway abutting any road, street, alley, or public right-of-way by submitting documentation that

establishes that any paving or blacktopping will include milling, notching, and sealing with J2 Joint Sealer and further that such paving or blacktopping shall not damage or obstruct the abutting public road, street, alley, or public right-of-way, as the case may be, and shall not interfere with any utilities, whether municipal, water, sewer, or otherwise.

- c. The request for permit shall be submitted to the Zoning Officer no less than seven (7) calendar days prior to the intended start of paving or blacktopping as the case may be.

12. ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

1201 The Zoning Officer

- a. **The Zoning Officer:** The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Borough Council who shall be known as the Zoning Officer.
- b. **Deputy:** The Borough Council may designate an employee of the Borough as his Deputy who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- c. **Compensation:** The compensation for the Zoning Officer and the Deputy Zoning Officer shall be determined by the Borough Council.
- d. **Duties and Responsibilities:** The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and / or use of any building, structure, sign and / or land unless it first conforms with the requirements of this Zoning Ordinance, all other Ordinances of the Borough, and with the laws of the Commonwealth of Pennsylvania. He shall:
 1. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair, extension, replacement, and / or use of any building, structure, sign, and / or land in the Borough.
 2. At his discretion, examine or cause to be examined all buildings, structures, signs, and / or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and / or use before issuing any permit. Thereafter, he may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign, and / or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
 3. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the

same shall form a part of the records of his office and shall be available for the use of the Borough Council and other officials of the Borough Council. He shall submit a monthly report to Borough Council listing all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

1202 Permits

- a. Requirements: It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work, provided, however, no permit shall be required for construction or alterations in all Districts except the Flood Plain District when the fair market value of such construction or alteration is less than one thousand dollars (\$1,000.00) and which would not change the use classifications. Where the fair market value of construction or alteration in a Flood Plain District is less than one thousand dollars (\$1,000.00) a permit shall be issued at no fee. No permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.
- b. Form of Application: The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner. The full names and addresses of the Owner, Lessee, Applicant and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- c. Permit Fees: Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be adopted by resolution. Such fees shall be payable to the Zoning Officer and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.
- d. Expiration of Permit: The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.
- e. Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on

the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

- f. Compliance with Ordinance: The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- g. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

1203 Certificate of Use and Occupancy

- a. It shall be unlawful to use and /or occupy any structure, building, sign, and / or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and /or land or portion thereof has been issued by the Zoning Officer.
- b. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe.
- c. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.
- d. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- e. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and /or land or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and / or occupied prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and / or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

1204 Enforcement, Penalty, and Remedy

- a. The construction, erection, replacement, alteration, repair, extension, replacement, and / or use of any structure, building, sign, and /or land or the change of use, area of use, percentage of use or extension or

displacement of the use of any structure, building, sign, and / or land without first obtaining a permit or the use of any building, structure, sign, and /or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this Ordinance, are hereby declared to be violations of this Zoning Ordinance.

- b. The Zoning Officer shall serve a written notice of violation or order on the person, firm or corporation or the owner, lessee or agent of the land upon which the violation has occurred who has committed the violation, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
- c. If the notice of violation is not complied with within a period of five (5) days, the Zoning Officer shall institute in the name of the Borough, from the authority of the Borough Council, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, and / or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.
- d. For any and every violation of the provisions of this Ordinance the owner, lessee, general agent, contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person including the officers of a corporation, who commit or commits, take(s) part in or assist(s) in any such violation or who maintains any such building or land in which any such violation exist, shall upon conviction before a District Justice of the Centre County, be fined not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney's fees incurred by the Municipality as a result thereof. Each day that a violation continues shall constitute a separate violation and offense. All fines and penalties imposed or through this Ordinance shall be recoverable by proceedings before a District Justice, and all fines, and penalties so recovered shall be paid to the Borough Treasurer for the general use of the Borough. (Ordinance No. 291 July 9, 2001)
- e. The imposition of the penalties herein prescribed shall not preclude the Borough Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land, and or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign, and / or land in or about any premises.

1205 Zoning Hearing Board

- a. Creation and Membership: There is hereby created, to be appointed by the Borough Council, a Zoning Hearing Board, consisting of three (3) members. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) years.
- b. The members of the Board shall be removable for cause, by the Borough Council, upon written charges and after public hearing, if the member shall request it in writing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Borough Council may appoint no more than three (3) alternates to replace any absent or disqualified members.
- c. General Procedures: The Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Code, as amended.
- d. Appeals to the Zoning Hearing Board

Appeals to the Board and proceedings to challenge an ordinance may be filed in writing by the landowner affected, or by any person or any Borough official or agency aggrieved. Requests for a variance may be filed by any landowner or any tenant with the permission of such landowner. No action shall be initiated by the Board until the non-refundable fee as prescribed by Borough Council is made payable to Milesburg Borough.

1. An appeal or challenge to the validity of an Ordinance shall state:
 - i. The name and address of the appellant.
 - ii. The name and address of the owner of the real estate affected.
 - iii. A brief description and location of the real estate affected.
 - iv. The grounds for the appeal or challenge to the validity of an Ordinance.
2. An application for a variance shall state:
 - i. Numbers i, ii, and iii above

- ii. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - iii. A statement of the section of this Ordinance under which the variance may be allowed and reasons why it should be granted.
 3. Upon receiving an appeal, the Board shall fix a time and place for a public hearing thereon and shall give the notice thereof:
 - i. By advertising at least one week before the hearing, at least one time in a newspaper of general circulation within the Borough.
 - ii. By mailing due notice at least six days prior to the date of the hearing to the parties of interest.
 - iii. By conspicuously posting notice on the affected tract of land.
 4. Effect of Board's Decision: If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve months of said date. For good cause the Board may, upon application in writing stating the reasons therefore, extend either the three months' or twelve months' period.

1206 Amendments

The Borough Council may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the Zoning Map.

a. Amendments Initiated by the Borough Planning Commission:

When an amendment, supplement, change or repeal is initiated by the Borough Planning Commission, Borough Council shall at least forty-five (45) days prior to the date of the hearing on the proposed amendment submit the amendment to the County Planning Commission for its review and recommendations.

b. Amendments Initiated by Borough Council:

When an amendment, supplement, change or repeal is initiated by Council, it shall submit the proposal to both the Borough Planning

Commission and the County Planning Commission for review and recommendations at least forty-five (45) days prior to the date fixed for the public hearing to consider the amendment, supplement, change or repeal.

c. Curative Amendment Initiated by Borough Council:

When a landowner desires to challenge on substantive grounds the validity of the Ordinance or map or any provision thereof, said landowner may submit a curative amendment to the Council with a written request that his challenge and proposed amendments be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, as amended.

d. Authentication of Official Zoning Maps:

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the Borough Secretary and shall thereafter be re-filed as part of the permanent records of the Borough.

1207 Validity

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, work or remaining portion of the Zoning Ordinance. The Borough Council of the Borough of Milesburg, Centre County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

1208 Repealer

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith, and any amendments thereof, are hereby expressly repealed.

ADOPTED THIS 13th DAY OF January, 2014.

MILES BURG BOROUGH COUNCIL

Paul J. Bartley
President

Paula J. Hall
Secretary

APPROVED THIS 13th DAY OF January, 2014.

Ethel L. Kellerman
Mayor