

*Borough of North East*

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# ZONING

**Chapter 27  
Ordinance No. 797**



**Adopted: September 8, 2010**

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# PART 1

## General Provisions

**§ 27-101 Title** *(Ord. 692, 5/3/1983, §101)*

The official title of this Chapter is “North East Borough Zoning Ordinance.”

**§ 27-102 Definitions** *(Ord. 692, 5/3/1983, §102)*

Certain words or terms that appear in this Chapter are defined in Part 2.

**§ 27-103 Compliance** *(Ord. 692, 5/3/1983, §103)*

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits required by this Chapter.

**§ 27-104 Conflict** *(Ord. 692, 5/3/1983, §104)*

Whenever there is a difference between minimum standards or dimensions or provisions specified herein and those contained in other regulations, resolutions, or ordinances of the Borough, the highest standards shall govern.

**§ 27-105 Community Development Objectives** *(Ord. 692, 5/3/1983, §105)*

This Chapter and Zoning Map are intended to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions 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 preventing the overcrowding of land, light danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers. More specifically these broad purposes are designed to clearly achieve the objectives of the North East Regional Comprehensive Plan, and the North East Regional Comprehensive Plan updates.

**§ 27-106 Affect of Annexation** *(Ord. 692, 5/3/1983, §106)*

In the event that an area is annexed to the Borough of North East, the most restrictive classification (“R-A Residential”) shall be applied to such area until the Borough Planning Commission has made a study of the annexed land and reported its recommendations to Borough Council. The Planning Commission shall submit such recommendations to Council within 90 days after final action of annexation.

## **PART 2**

### **Definitions**

#### **§ 27-201 General Definitions**

*(Ord. 692, 5/3/1983, §201)*

Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is always mandatory and not permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

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

**ALLEY:** a narrow service way providing a secondary public means of access to abutting properties.

**AREA:** area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

**BASEMENT:** a story having more than 50% of its clear height below the average level of the surrounding ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for dwelling purposes.

**BOARD (Zoning Hearing Board):** the duly appointed Zoning Hearing Board of the Borough of North East, Erie County, Pennsylvania.

**BOARDING, ROOMING or LODGING HOUSE:** a building where lodging is provided for compensation for five or more persons.

**BUILDING:** a roofed structure which may or may not be enclosed by walls for the shelter, housing or enclosure of persons, goods, animals, or equipment.

**BUILDING, ACCESSORY:** a building housing a use customarily incidental to a permitted principal use and located on the same lot with a permitted principal building.

**BUILDING, PRINCIPAL:** a building or portion thereof housing the main or primary use of the land.

**BUILDING HEIGHT:** the vertical distance from the average elevation at grade level, to the highest point of the deck of a flat roof or a mansard roof; or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

**BUILDING or SETBACK LINE:** imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

**BUSINESS SERVICE:** any business activity which renders service to other commercial or industrial enterprises, and realtors, insurance agents, and related activities.

**CHURCH:** a place of religious instruction or public worship and is exempt from the taxrolls by the Erie County Assessment Bureau.

**CLINIC:** any establishment where human patients are examined and treated by physicians or dentists but not hospitalized overnight.

**CLUB:** an establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

**COMMERCIAL/RESIDENTIAL BUILDING:** a multiple family dwelling, as defined herein, which devotes at least the ground floor frontage to commercial use, or is a commercial building with apartments.

**COMMISSION (Planning Commission or Borough Planning Commission):** the duly appointed Planning Commission of the Borough of North East, Erie County, Pennsylvania.

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

**COUNTY PLANNING:** Erie County Department of Planning.

**COVERAGE:** that percentage of the lot area covered by principal and accessory use structures.

**DEDICATED ROADWAY:** *that portion of a road which is paved graded or improved for travel by vehicles.*

**DENSITY:** the area of a lot or group of lots computed exclusive of any portion of the right-of-way of any road, divided by the number of families housed on the lot or group of lots.

**DWELLING, SINGLE FAMILY:** a detached building arranged or used for occupancy by one family having a habitable floor area of at least 800 square feet on individual lots of record. All single family dwellings shall have a permanent foundation and approved anchorage and skirting if built without a basement.

**DWELLING, MULTIPLE FAMILY:** a building arranged or used as a residence for two or more families living independently of each other and doing their own cooking therein,

including apartment houses, flats, group houses, duplexes, condominiums, townhouses, etc.

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

**ENGINEER, MUNICIPAL:** a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for North East Borough, Erie County, Pennsylvania.

**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 systems, collection, communication supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduit equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**FAMILY:**

- A. One or more persons related by blood, marriage, or adoption occupying a dwelling unit, including not more than four boarders, roomers, or lodgers.
- B. Less than six unrelated persons occupying a dwelling unit, living together and maintaining a common household.

**FLOOR AREA, HABITABLE:** the enclosed areas of a building designed and intended for all season use of human inhabitants.

**FOUNDATION:** *That portion of a building that has the sole purpose of transmitting structural loads from the building into the earth and supports the superstructure.*

**GARAGE, REPAIR (see also, SERVICE STATION):** premises where motor vehicles are serviced and repaired, including engine overhaul and body work.

**GOVERNING BODY:** the duly elected Council of North East Borough, Erie County, Pennsylvania.

**GROUP CARE FACILITY:** a facility which provides services in a common household to more than two individuals, not related by blood, marriage or adoption who are in need of supervision due to a physical and/or mental handicap, age, disability, violation of a penal law, and adjudication of delinquency, and/or an addiction to drugs, and/or alcohol.



**HEARING:** an administrative proceeding conducted by a board pursuant to Part 7 of this Chapter.

**HEAVY INDUSTRIAL:** assembly, manufacturing, compounding, processing, packaging or treatment uses which may produce or emit discernible dust, smoke, toxic or noxious odors, glare, gases, fumes or noise levels onto neighboring properties, but which shall be in compliance with US Environmental Protection Agency and Pennsylvania Department of Environmental Protection standards and permit procedures.

**HOME OCCUPATION:** any use customarily carried on entirely within a dwelling by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

**JUNKYARD:** land or structure used for the collecting, storage, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers, and other discarded materials. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**LIGHT INDUSTRIAL:** assembly, manufacturing, compounding, processing, packaging, or treatment uses which do not transmit (or may not produce) discernible dust, smoke, toxic or noxious odors, glare, gases, fumes or noise levels onto neighboring properties.

**LOADING SPACE:** a portion of a lot usable for the standing, loading, or unloading of motor vehicles, and having a minimum dimension of 12 feet by 55 feet with a vertical clearance of 14 feet.

**LOT:** a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT, CORNER:** a lot at the junction of and fronting on two or more intersecting street rights-of-way.

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

**LOT OF RECORD:** any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Erie County.

**LOT, MINIMUM AREA OF:** the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, WIDTH OF:** the mean width measure at right angles to its depth at the building line.

**MOBILE HOME:** a transportable, single family dwelling, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site

complete and ready for occupancy except for minor and incidental unpacking and assembly operations. *A mobile home shall be affixed as a permanent foundation by an approved anchorage system and skirting.*

**MOBILE HOME LOT:** a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the building thereon of a single mobile home.

**MOBILE HOME PARK:** a parcel of contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots.

**MUNICIPALITY:** Borough of North East, Erie County, Pennsylvania.

**NONCONFORMING LOT:** a lot the area of dimension of which was lawful prior to the adoption or amendment of zoning ordinance, but which fails to conform to the requirements of the zoning district which it is located by reasons of such adoption or amendment.

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

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

**NURSING, CONVALESCENT, or RETIREMENT HOME:** a group care facility where one or more business services are provided in-house in addition to housing. A nursing home may provide clinic, nursing, food, laundry or personal services. A convalescent home may provide nursing, food, laundry, or personal services. A retirement home may provide food, laundry, or personal services.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (PMPC):** (Act 247 of July 31, 1968) and amendments as same may be adopted from time to time.

**PERSONAL SERVICES:** any enterprise which primarily offers personal services to the general public, such as: valet services, barber shops, beauty parlors, tutoring, shoe and clothes repair, real estate or insurance agent.

**PLANNED RESIDENTIAL DEVELOPMENT:** an area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units or

combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage, and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. A planned residential development includes a mobile home park.

**PROFESSIONAL OFFICES:** the use of offices and related spaces for professional services such as are provided by registered physicians, dentists, lawyers, architects, engineers, accountants, surveyors.

**PUBLIC GROUNDS:** includes parks, playgrounds, trails, paths, and other recreational areas and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities and publicly owned or operated scenic and historic sites.

**PUBLIC NOTICE:** notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the meeting.

**RENEWABLE ENERGY SOURCE:** any method, process or substance whose supply is rejuvenated through natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**REPAIR SHOP:** an establishment open to the public where existing personal property is repaired for a charge, in which establishment also offers like items which are refurbished for sale.

**RETAIL BUSINESS ESTABLISHMENT:** any enterprise which primarily offers products for sale to the general public.

**RETAIL WITH SECONDARY LIGHT INDUSTRIAL:** the primary sales of and minor assembly manufacturing, compounding, processing, packaging, treatment or distribution of: such products as bakery goods, candy, cosmetics, beverages, pharmaceuticals, and toiletries; products developed at an electrical, plumbing, heating, printing, carpentry, art and craft or welding shop; laundry or dry cleaning service; or newspaper company or publishing plant.

**ROAD:** the entire dedicated right-of-way of a public or private street or highway.

**SIGN:** any structure or device to attract attention by words or graphic display. The term "sign" shall not apply to a religious symbol, bearing no lettering, when applied to a place of worship.

**SPECIAL EXCEPTION USE:** a use permitted in a particular zoning district which the Zoning Hearing Board is permitted to authorize in specific instances pursuant to the provisions of this Chapter.

**STATION, SERVICE (see also “garage, repair”):** a retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of automotive maintenance and repair; and the supplying of other incidental customer services and products.

**STORY:** the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. See also “basement.”

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

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

**TOURIST HOME:** a rooming house primarily for transient guests. (see definition of “boarding, rooming, or lodging house”).

**TRAVEL TRAILER:** a mobile vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger vehicle and having an overall length of less than 25 feet and an overall width of less than 8 feet. A travel trailer shall not be used for dwelling purposes.

**TRUCK TERMINAL:** a facility designed to accommodate the service, repair and storage of trucks and other motorized equipment, and which may incidentally provide warehousing activities, and supporting office and clerical activity.

**VARIANCE:** a departure from the strict letter of the ordinance as it applies to specific properties as authorized by the Zoning Hearing Board.

**YARD:** any open space located on the same lot with a building, unoccupied by structures, except for accessory buildings, or such projections as are expressly permitted by this Chapter. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line or road right-of-way line and the nearest point of the foundation wall of the main building.

**YARD, FRONT:** an open space extending the full width of the lot between the building and the road right-of-way line.

**YARD, BACK:** an open space extending the full width of the lot between the building and the rear lot line.

**YARD, SIDE:** an open space extending from the front yard to the rear yard between the building and the nearest side lot line.

**ZONING PERMIT:** the written authorization issued by the Zoning Officer, for the use of land or structures.

**ZONING MAP:** the map containing the zoning districts of the Borough of North East, Erie County, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICER:** the Zoning Officer or his authorized representatives, appointed by North East Borough Council, Erie County, Pennsylvania, who may not hold any elective office in the Borough.

**§ 27-202 Definitions Used in Part 7**

*(Ord. 692, 5/3/1983, §202)*

The following words and phrases when used in Part 7 of this Chapter shall have the meanings given to them in this subsection unless the context clearly indicates otherwise.

**BOARD:** any body granted jurisdiction under a land use ordinance or under this act to render final adjudications.

**DECISION:** final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

**DETERMINATION:** final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (1) the Borough Council; (2) the Zoning Hearing Board; or (3) the Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**HEARING:** an administrative proceeding conducted by a board pursuant to § 909.1 of the Pennsylvania Municipalities Planning Code.

**LAND USE ORDINANCE:** any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the PMPC.

**REPORT:** any letter, review, memorandum, compilation, or similar writing made by any body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties prior to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

## **PART 3**

### **Zoning Map, Districts, and Boundaries**

#### **§ 27-301 Zoning Map**

*(Ord. 692, 5/3/1983, §301)*

A map entitled “North East Borough Zoning Map” is hereby adopted as part of this Chapter. The official Zoning Map shall be kept on file available for examination at the Borough Building, while a copy of that map is provided herein for reference only.

#### **§ 27-302 Zoning Districts**

*(Ord. 692, 5/3/1983, §302)*

The Borough is divided into the following districts as shown by the district boundaries on the Zoning Map:

- A. R-A Single Family Residential District
- B. R-B Multiple Family Residential District
- C. C-1 Commercial District
- D. M-1 Industrial District

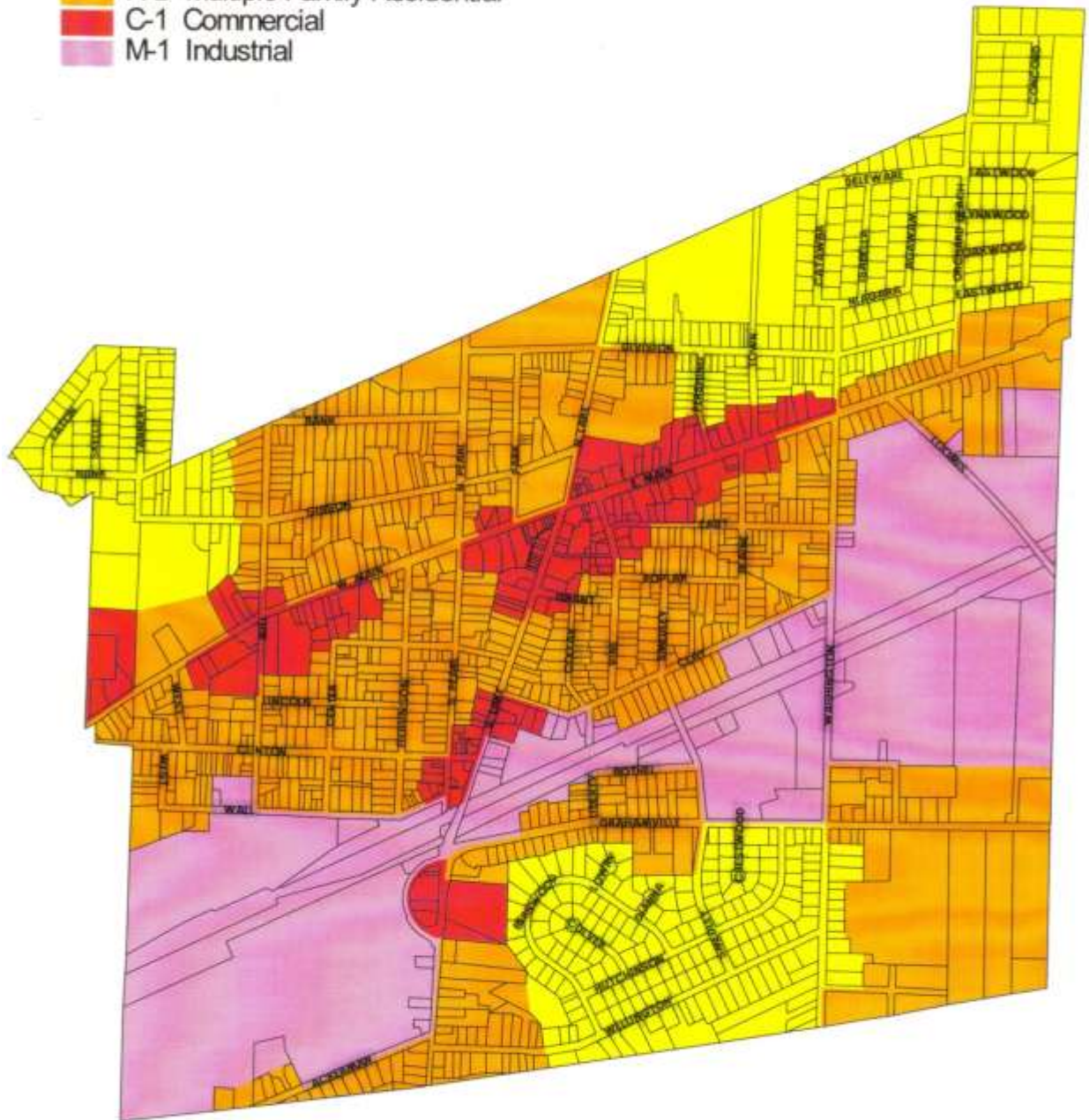
#### **§ 27-303 District Boundaries**

*(Ord. 692, 5/3/1983, §303)*

The boundaries between districts are centerline of streets, alleys, railroad rights-of-way, streams or such lines extended or lines parallel thereto or concentric therewith, or property lines when proximate thereto or may be lines otherwise indicated on the Zoning Map. When the Zoning Officer cannot definitely determine the location of a district boundary, he shall deny the application and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary.

**NORTH EAST BOROUGH ZONING MAP**

- R-A Single Family Residential
- R-B Multiple Family Residential
- C-1 Commercial
- M-1 Industrial



Erie County  
Department of Planning, January 2000



## **PART 4**

### **District Regulations**

**§ 27-401 R-A Single Family Residential District Description** *(Ord. 692, 5/3/1983, §401)*

These existing areas are the last urban subdivisions of the Borough. As such, the single family residential areas will remain essentially as they are. Land uses are reserved for medium density single family detached dwellings, and include associated public uses. The maximum density of residential dwellings in the R-A District shall be four dwelling units per acre.

**§ 27-402 R-B Multiple Family Residential District Description** *(Ord. 692, 5/3/1983, §402)*

These existing areas comprise the rehabilitation and redevelopment of the Borough's urban residential neighborhoods. Land uses include medium and higher density single family detached dwellings, owner occupied single family conversions to multiple family dwellings and new higher density apartment buildings, and include associated public, institutional and recreational uses. The maximum density of residential dwellings in the R-B District shall be 16 dwelling units per acre for multiple family dwellings, and six dwelling units per acre for single family detached dwellings.

**§ 27-403 C-1 Commercial District Description** *(Ord. 692, 5/3/1983, §403)*

These existing areas comprise the commercial business activities of the Borough. Land uses include the normal retail and food establishments, personal, professional, and entertainment services., transient commercial housing (hotel, motel, boarding house, tourist home) and higher density commercial/residential buildings where buildings may abut each other and/or front on the property lines and includes associated public, institutional and indoor recreational uses. The maximum density of residential units in commercial/residential buildings in the C-1 District shall be 24 dwelling units per acre.

**§ 27-404 M-1 Industrial Description** *(Ord. 692, 5/3/1983, §404)*

These existing areas comprise the industrial business activities of the Borough. Land uses include the normal heavy commercial, wholesale, warehousing, processing, and light and heavy manufacturing establishments, where buildings may abut each other and/or front on the property lines, and associated public use. The maximum density of industrial establishments in the M-1 District shall be six industrial units per acre.

§ 27-405 *Permitted Use and Special Exception Use Table*

(Ord. 692, 5/3/1983, §405)

P = Permitted Use  
 S = Special Exception  
 D= Term is Defined  
 --= Not Permitted

USE	DISTRICT			
	R-A	R-B	C-1	M-1
Accessory Use (D)	P	P	P	P
Boarding, Rooming, Lodging, or Tourist Home (D)	-	-	S	P
Building Material Supplies Facility	-	-	-	P
Cemetery	-	S	-	-
Church	-	P	P	-
Club, Fraternity, or Society (D)	-	S	P	-
Commercial Parking Lot or Garage	-	-	P	P
Commercial/Residential Building (D)	-	-	S	-
Communication Facility or Operation	-	-	-	P
Corporate or Utility Office	-	-	P	P
Day Care Center or Nursery School	-	S	P	-
Eating or Drinking Establishment	-	-	P	P
Essential Services (D)	P	P	P	P
Funeral Home or Mortuary	-	S	P	-
Group Care or Family Facility (D)	-	S	-	S
Heavy Industrial Establishment (D)	-	-	-	P
Highway Freight or Transportation Terminal	-	-	-	P
Home Occupation (D) (§27-510)	-	S	P	-
Hospital or Clinic (D)	-	S	P	-
Hotel or Motel	-	-	P	-
Indoor Amusement Establishment	-	-	P	P
Junk Yard or Salvage Facility (D)	-	-	-	S
Light Industrial Establishment (D)	-	-	-	P

USE	DISTRICT			
	R-A	R-B	C-1	M-1
Mobile Home Park	-	S	-	-
Motor Vehicle Sales & Service	-	-	P	P
Multiple Family Dwelling (D)	-	P	S	-
Natural Gas Production (§27-508)	-	-	-	P
Nursing, Convalescent, or Retirement Home (D)	-	S	P	-
Off-street Loading & Parking (§27-506)	P	P	P	P
Parochial School or College	-	S	S	-
Personal or Business Service Office (D)	-	-	P	P
Planned Residential Development (D) (§27-511)	-	S	-	S
Private School or Academy	-	S	P	-
Professional Office (D)	-	S	P	P
Public Grounds (D)	P	P	P	P
Public Utility Building	-	S	P	P
Radio or Television Studio	-	-	S	P
Renewable Energy Source (D) (§27-507)	S	S	S	S
Repair Shop (D)	-	-	P	P
Research Testing or Design Laboratory	-	-	-	P
Retail Business Establishment (D)	-	-	P	P
Retail with Secondary Light Industrial (D)	-	-	S	P
Service Station or Repair Garage (D)	-	-	P	P
Sign (D) (§27-509)	P	P	P	P
Single Family Detached Dwelling (D)	P	P	-	-
Temporary Structure (D) (§27-504)	S	S	S	S
Wall or Fence (D) (§27-505)	P	P	P	P
Wholesale, Warehouse, or Storage Facility	-	-	-	P

§ 27-406 Lot & Yard Requirements Table

(Ord. 692, 5/3/1983, §406)

Zoning District /Use	Minimum Area (Sq. Ft.) <sup>(3)</sup>	Minimum Lot Width (Feet) <sup>(2,3)</sup>	Minimum Front Yard (Feet) <sup>(2,3)</sup>	Minimum Side Yards (Feet) <sup>(3,4,5,6)</sup>		Minimum Rear Yard (Feet) <sup>(3,5,6)</sup>	Maximum Building Height (Feet) <sup>(3)</sup>	Maximum Lot Coverage/Density (%/Units per Acre) <sup>(3)</sup>
				One Side	Total Both Sides			
<b>R-A Residential</b>								
All Uses	10,000	80	30	10	24	40	35	30%/4
Corner Lots	12,000	80	30	10	24	40	35	30%/4
<b>R-B Residential</b>								
Single Family Detached	7,500	60	30	10	24	40	35	30%/6
Corner Lots	8,000	60	30	10	24	40	35	30%/6
Multiple Family	8,000 + 2,000/fam.	70	30	15	30	40	50	50%/16
All Other Uses	10,000	70	30	15	30	40	35	30%
<b>C-1 Commercial</b>								
Commercial Uses	4,000	20	25	-	-	20	50	50%/10
Commercial/Residential	8,000 + 1,500/fam.	30	25	15	30	20	50	50%/24
<b>M-1 Industrial</b>								
All Uses	7,500	50	50	-	-	20	50	50%/6

Please see page 27-20 for additional requirements

**§ 27-406 Lot and Yard Requirements**

(Ord. 692, 5/3/1983, §406)

1. All uses in all districts shall connect to public water, storm water, and sanitary sewer systems. If such connection is impractical as determined by the Zoning Hearing Board, minimum lot sizes shall be doubled, minimum lot width and minimum side yards shall be increased by 50% and maximum lot coverage shall be reduced by 50%. All uses in all districts shall comply with the North East Borough Floodplain Management Ordinance [Chapter 8] and the North East Borough Stormwater Management Ordinance [Chapter 26].
2. Lot width, to be measured at building line, shall not be less than 30 feet at front property line.
3. In existing built-up areas, the dimension may be equal to the average figure established by existing building within 150 feet of proposed building on same side of street, which shall be determined by the Zoning Hearing Board.
4. For nonresidential uses abutting a residential district, see §27-503 (4) and (5).
5. Applies to principal buildings. *Accessory buildings (120sq.ft. maximum)* and uses (that are not exempt in #6, below) shall be located no closer than 5 feet to the side and rear property lines.
6. The following accessory uses are exempt from yard requirements: sidewalks, access drives and patios flush with normal grade level, except that no more than 50% of the front yard may be used for these uses.

## PART 5

### Supplementary Regulations

#### § 27-501 Nonconforming Uses and Structures

*(Ord. 692, 5/3/1983, §501)*

The following provisions shall apply to all nonconforming uses and structures:

- A. Any nonconforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Chapter. Any nonconforming use which has been discontinued for 12 months shall not be permitted to be reestablished.
- B. Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure covers no greater area and contains no greater cubic content than before such casualty.
- C. The nonconforming use of a building may be extended throughout those parts hereof which were manifestly arranged or designed for such use at the time of adoption of this Chapter. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended or enlarged but must meet minimum yard requirements of the district in which the structure is located and must meet the off-street parking and loading requirements of this Chapter.
- D. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- E. A structure that has been razed shall not be reconstructed for a use that does not conform to the provisions of this Chapter.
- F. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- G. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- H. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this Part shall also apply to any uses which thereby become nonconforming.
- I. Any nonconforming use discontinued for a 6 month period or longer shall be considered changed to a conforming use.

**§ 27-502 Existing Lot of Record**

*(Ord. 692, 5/3/1983, §502)*

Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Chapter, except as set forth hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Chapter, the request for a permit shall be referred to the Zoning Hearing Board which may require relating to fewer lots which would comply with the minimum requirements of this Chapter.

**§ 27-503 Application of Yard and Height Regulations**

*(Ord. 692, 5/3/1983, §503)*

1. Lots which abut more than one street shall provide the required front yards along every street.
2. All accessory structures, whether attached to the principal structure or not, and whether open or enclosed, including steps, stoops, ramps, decks, porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard, except as noted in § 27-406 for accessory buildings and uses and in § 27-504.
3. When the following conditions are met, height limits may be increased:
  - A. Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased 1 foot for each additional foot of height.
  - B. The following structures are exempt from height regulations: television and radio towers, church spirals, belfries, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smoke stacks, conveyors, and flagpoles.
4. Visibility at Intersections. On a corner lot in any residential district, no structure, fence, wall, hedge or other planting shall be erected or allowed to grow, be placed, or maintained at a height of more than 4 feet above the curblin within a triangle formed by the street lines of the right-of-way joining said street lines at points 20 feet from their point of intersection.
5. Nonresidential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts than the distance specified in the following schedule:

USE	MINIMUM SIDE or REAR YARD
Off street parking spaces and access drives for nonresidential uses	20 ft.
All other nonresidential use or structures	40 ft.

**§ 27-504 Temporary Structures**

(Ord. 692, 5/3/1983, §504)

1. Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a 6 month period, and may include mobile homes and travel trailers.
2. *Mobile homes being used as dwelling shall have appropriate foundation and skirting, which shall comply with the Pennsylvania Uniform Construction Code even if the use is temporary during the construction period.*
3. Residential handicap ramps shall be considered a temporary accessory structure, which shall have a minimum setback distance of 5 feet from all property lines.

**§ 27-505 Walls, Fences, and Screening**

(Ord. 692, 5/3/1983, §505)

A fence or freestanding wall shall be permitted within the limits of any yard.

- A. The height of any fence or wall shall be limited to 6 feet in the R-A and R-B Districts, except any fence or wall erected within 20 feet of any road right-of-way shall not be greater than 4 feet. The height of any fence or wall shall be limited to 8 feet in the C-1 District, and 10 ft. in the M-1 District.
- B. In addition to the above requirements, § 27-503 (4) of this Part shall be complied with.
- C. *Any fence shall be located a minimum of 6 inches within the property line unless written consent from the adjoining property owner is submitted with the required Application for Zoning Permit.*
- D. A fence erected around tennis or basketball courts, as a backstop and around similar recreational facilities may be permitted in all districts as a special exception use, if approved by the Zoning Hearing Board.
- E. *All private swimming pools shall be completely surrounded by a fence or wall not less than 4 feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than 4 inches in vertical or horizontal direction, except for doors and gates. An above ground pool with a wall greater than 4 feet in height does not require a fence or wall if the pool is equipped with a removable and/or locking ladder system. All private swimming pools are required to comply with the Pennsylvania Uniform Construction Code.*

**§ 27-506 Off-street Loading and Parking**

(Ord. 692, 5/3/1983, §506)

Off-street loading and parking spaces shall be provided in accordance with the specifications of this section in all districts whenever any new use is established or an existing use is enlarged.



- A. Off-street loading. Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the following table:

<b>OFF-STREET LOADING SPACE REQUIREMENTS</b>		
<b>Uses</b>	<b>Square Feet of Floor Area</b>	<b>Required Off-street Loading Berths</b>
Schools & Institutions	15,000 or more	1
Undertakers & Funeral Parlors	5,000	1
	For each additional 5,000 or major fraction thereof	1 additional
Hotels & Offices	10,000 or more	1
Commercial, Wholesale, Manufacturing, & Storage	0-25,000	1
	25,001-40,000	2
	40,001-60,000	3
	60,001-100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

Each loading space shall not be less than 12 feet in width, 55 feet in length and 14 feet in height. The loading area and access drives shall be paved.

B. Off-Street Parking.

- (1) Size and Access. Each off-street parking space shall have an area of not less than 180 square feet (9 feet in width and 20 feet in length) exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than 10 feet wide. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be unrestricted access along the length of a street or alley. The parking area of access drives shall be paved.
- (2) Number of Parking Spaces Required. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

<b>OFF-STREET PARKING SPACE REQUIREMENTS</b>	
<b>Uses</b>	<b>Required Parking Space</b>
Automobile Laundry (Car Wash)	5 for each wash line
Automobile Sales and Service Garages	1 for each 400 square feet of floor area
Banks or Professional Offices	1 for each 200 square feet of floor area
Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Bowling Alley	7.5 for each alley
Community Buildings and Social Halls	1 for each 100 square feet of floor area
Beauty Parlors and Barber Shops	1.5 for each chair
Driving Ranges and Miniature Golf	1 for each tee
Dwellings	1 for each family or dwelling unit including space in garage
Food Supermarkets	1 for each 100 square feet of floor area
Funeral Homes and Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 for each 200 square feet of floor area
Home Occupations	1 for each 200 square feet of floor area in addition to dwelling unit requirement
Hospitals, Nursing or Convalescent Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Manufacturing Plants, Research or Testing Facilities, Bottling Plants	1 for each 500 square feet of floor area
Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns, and Night Clubs	1 for each 2.5 seats
Retail Stores and Shops	1 for each 200 square feet of floor area
Rooming Houses and Dormitories	1 for each 2 bedrooms
Service Stations	3 for each service bay
Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 for each 3.5 seats
Trailer or Monument Sales	1 for each 2,500 square feet of lot area
Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area.

- C. Location and Use of Parking Areas. Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than 400 feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provided parking on the same lot with the principal use. In all residential districts, parking areas shall be located beyond the front setback line.
- D. Screening and Landscaping. Nonresidential off-street parking areas, and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district.
- E. Minimum Distances and Setbacks. Nonresidential off-street loading or parking areas and access drives shall be no closer than 20 feet to each side which adjoins or faces any residential district, and in accordance with § 27-503 (D and E) of this Chapter.
- F. Surfacing. All parking and loading areas and access drives shall have a paved surface of asphalt or concrete, graded and drained to properly dispose of all surface water and designed to provide for orderly and safe loading and parking.
- G. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from each side which adjoins or faces any residential district.
- H. Location and Use of Access Drives. In all districts, there shall be no more than two access drives per street or alley per lot, which shall be no closer than 15 feet apart. The width of each access drive shall be no more than 30 feet in business districts; and in residential districts no more than 20 feet for one access drive or no more than 10 feet for two access drives per residential lot. In all residential districts with two access drives, only the primary access drive may be used for parking.
- I. All ingress and egress for all properties along State highways shall be regulated by and receive proper permits from the Pennsylvania Department of Transportation.

**§ 27-507 Renewable Energy Source**

*(Ord. 692, 5/3/1983, §507)*

This use may be permitted in all districts as a special exception use, if approved by the Zoning Hearing Board. In the R-A and R-B Districts, unless a proposed renewable energy source is compatible with the residential character of these neighborhoods, the Zoning Hearing Board may deny this special exception use. ***Solar panels installed upon a roof are a permitted use and do not require Zoning Hearing Board review.***

**§ 27-508 Natural Gas Production**

(Ord. 692, 5/3/1983, §508)

Production operations for the extraction of natural gas or oil from the ground are permitted in the M-1 District only. All operations shall comply with the following minimum requirements:

A. Shallow Well (less than 1,500 foot depth) minimum setbacks:

From	Distance
Right-of-Way	30 feet
Other Property Lines	20 feet
Main Structures	15 feet
Accessory Buildings	5 feet
Assembly Uses:	
Entrance/Exits	35 feet
Structure	25 feet

B. Deep Well (1,500 foot or more depth) minimum setbacks:

From	Distance
Right-of-Way	50 feet
Other Property Lines	45 feet
Main Structures	40 feet
Accessory Buildings	25 feet
Assembly Uses:	
Entrance/Exits	150 feet
Structure	100 feet

C. The operator shall file with the Zoning Officer a plan showing the location of adjacent properties, roads, and natural features.

D. The operator shall submit, to the Zoning Officer, an engineer certified plan for the restoration of the area which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than 5 feet, steps which will be taken to conserve the topsoil, and the location and size of permanent above ground structures or other improvements contemplated.

**§ 27-509 Signs**

(Ord. 692, 5/3/1983, §509)

No sign shall be permitted except as herein provided:

A. In any district all signs except those maintained pursuant to and in the discharge of any law, ordinance, governmental regulation or function shall comply with the following general requirements:

***(1) Signs shall not move or be illuminated in any manner which will cause undue distraction, confusion, or hazard to vehicular traffic.***

***a. Signs shall not be animated in any way; including any signs which move, revolve or rotate by means of normal wind currents.***

***b. Signs, which incorporate in any manner moving, scintillating, or revolving lights, or signs with flashing lights, or signs, which use any other type of electronic device which changes the messages on the signs are subject to the following restriction, with the exception of traffic warning devices and signs giving public service information, such as, but not limited to, time, dates, temperature, weather, or similar information: All messages shall remain static for a period of at least 8 minutes.***

(2) Signs shall be located at least 5 feet back from all side and rear property lines in all residential districts. Signs in the front yards in all residential districts shall be located at least 2 feet back from the front property lines.

(3) They shall not extend above the roof line.

B. No sign shall be permitted in residential districts except as herein provided:

(1) One sign not exceeding 2 square feet in area will be permitted which announces the name and professional activity of the occupant of the premises on which said sign is located.

(2) One bulletin board not exceeding 25 square feet in area will be permitted in connection with any church, school or similar public structure.

(3) One temporary real estate or political sign not exceeding 6 square feet in area will be permitted on the property. Sign shall be removed promptly when it has fulfilled its function.

(4) One development sign not exceeding 30 square feet and advertising a building or improvement or future use of a building being constructed or altered upon the premises may be erected 30 days prior to start of construction, during active construction, and for not more than 30 days after completion.

C. In commercial and industrial districts, no sign shall be permitted except as herein provided:

(1) One sign in connection with any legal commercial or industrial use or structure will be permitted on the premises of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each street frontage.

- (2) They shall not contain information or advertising for a product or service which is not sold or processed on the premises.
- (3) Signs directly relating to a use conducted on the premises providing the total area in square feet of all such signs or marquees and canopies, shall not exceed the number of lineal feet of street frontage and no individual projecting sign shall exceed 30 square feet in area and shall be limited to 2. No sign shall exceed the height of a related building or 28 feet, whichever is greater.
- (4) Signs directing and guiding traffic and parking on private property, and bearing no advertising matter.
- (5) Signs may be placed along the property lines only if the bottom of said signs is at least 10 feet above the ground and the support structure for said signs is located at least 2 feet back from all property lines.
- (6) No sign shall be permitted in any street right-of-way other than for guiding traffic or directional.

**§ 27-510 Home Occupations**

*(Ord. 692, 5/3/1983, §510)*

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- A. The occupation is customarily carried on in a dwelling unit.
- B. The occupation is carried on by the owner or a member of his/her family residing in the dwelling unit, with not more than one employee outside the family.
- C. The occupation is carried on wholly within the principal structure.
- D. There shall be no exterior display, exterior sign other than permitted by §27-509, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.
- E. No business vehicle shall be parked in any residential district, except in an enclosed structure.
- F. No offensive odor, no vibration, noise, smoke, dust, heat, or glare shall be produced.
- G. The occupation shall occupy no more than 30% of the principal structure.
- H. Home occupations may include arts and crafts, traditional home related enterprises, personal services, and professional services.

**§ 27-511 Planned Residential Development**

*(Ord. 692, 5/3/1983, §511)*

The Zoning Hearing Board may permit departures from the zoning regulations for any planned residential development in the manner herein provided for special exception uses, if the planned project meets the following requirements:

- A. The area of land to be developed shall only be in the R-B or C-1 Districts, and the Zoning Hearing Board may place requirements in addition to the following:
  - (1) Adjacent properties will not be adversely affected.
  - (2) The average density of dwelling units is not greater than the density requirements in the district in which the plan is located. The use of the land shall not differ substantially from the uses permitted in the district, except that limited commercial facilities intended to serve only the planned project area fully integrated into the design of the project may be allowed.
  - (3) The plan shall be consistent with the intent and purpose of this Chapter.
  - (4) A complete plan for the area is submitted for review for recommendations by the planning commission and Borough Council and to determine if the proposed project is consistent with the comprehensive plan.

**§ 27-512 Junkyards or Salvage Facilities (and similar storage areas)** *(Ord. 692, 5/3/1983, §512)*

These uses may be permitted only in the M-1 District as a special exception use, if approved by the Zoning Hearing Board

- A. All junkyards shall be completely screened from roads or developed areas with a solid fence or wall 10 feet or more in height, maintained in good condition, and painted (except for masonry construction).
- B. No junkyards established after the effective date of this Chapter shall be located closer than 500 feet to existing State and Federal roads, or closer than 100 feet to a municipal street or road.
- C. Access to and egress from junkyards established after the effective date of this Chapter shall not be from State and Federal roads.

## **PART 6**

### **Administration and Enforcement**

#### **§ 27-601 Zoning Officer**

*(Ord. 692, 5/3/1983, §601)*

The Borough Council shall appoint the Zoning Officer who shall administer and enforce the provisions of this Chapter.

#### **§ 27-602 Duties of the Zoning Officer**

*(Ord. 692, 5/3/1983, §602)*

The Zoning Officer shall enforce all the provisions of this Chapter and shall have such duties and powers as are conferred on him, or her, by this Chapter and are reasonably implied for the purpose.

- A. Applications, Zoning Certificates, Building Permits, and Inspection. S/he shall receive applications for zoning and building permits and make all inspection in accordance with the provisions of this Chapter.
- B. Inspection. The Zoning Officer may examine or cause to be examined all structures and/or land for which an application has been filed for zoning certificate, and s/he may conduct such inspections from time to time during and at completion of the work for which a zoning certificate has been issued.
- C. Nonconforming Uses. The Zoning Officer shall keep an up-to-date list of all nonconforming uses.

#### **§ 27-603 Zoning Certificates**

*(Ord. 692, 5/3/1983, §603)*

1. Requirements. Until the Zoning Officer has issued a zoning certificate applicable thereto, no person shall:
  - A. Occupy or use any vacant land.
  - B. Occupy or use any structures hereafter constructed, reconstructed, moved, altered, or enlarged.
  - C. Change the use of a structure of land to a different use.
  - D. Change a nonconforming use.
2. Expiration of Zoning Certificate. The zoning certificate shall expire 6 months from the date of its issuance.



3. Application and Fees. Each applicant for a zoning certificate shall present, with the application, a plot plan showing clearly and completely the location, dimensions, and nature of any structures involved and such other information as the Zoning Officer may require as to compliance with this Chapter, together with an application fee in accordance with a schedule affixed by resolution of Borough Council.

**§ 27-604 Enforcement Notice**

*(Ord. 692, 5/3/1983, §604)*

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Borough intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
  - D. The date before which the steps for compliance must be commenced, and the date before which the steps must be completed.
  - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
  - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.

**§ 27-605 Enforcement Remedies**

*(Ord. 692, 5/3/1983, §605)*

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provision of this Chapter or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that

there was a good faith basis for the person, partnership, or corporation violating this Chapter to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. *Nothing herein shall be interpreted to limit the authority of the Borough to revoke an approval previously granted for a violation of this Ordinance, which right is expressly reserved.*
4. *Nothing contained in this section shall prohibit or prevent the Zoning Administrator, or anyone else, from seeking other legal remedies for civil zoning infractions such as injunctions or criminal prosecutions.*

## **PART 7**

### **Zoning Hearing Board**

#### **§ 27-701 General**

*(Ord. 692, 5/3/1983, §701)*

1. In accordance with Article IX of the Pennsylvania Planning Code, a Zoning Hearing Board shall be appointed and organized, and shall adopt rules to cover its procedures. The Board shall hold meetings, keep minutes, and pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions in writing within 45 days after hearing or continued hearing, all as required by law. For the filing of an appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule annually fixed by the Borough Council.
2. Except as provided in §909.1 of the Pennsylvania Planning Code, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Borough.

#### **§ 27-702 Appeals**

*(Ord. 692, 5/3/1983, §702)*

1. Any person or Borough Official aggrieved or affected by any provision of this Chapter or by any decision of the Zoning Officer may appeal to the Zoning Hearing Board within a reasonable time, as provided by rules of the Board, by filing a notice of appeal specifying the grounds thereof. The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant, or refusal made by the Zoning Officer in the administration of this Chapter. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board.
2. Every appeal or application shall refer to the specific provision of the Chapter involved and shall set for the exactly the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that variance should be granted, as the case may be. At least 10 days prior to the date of the hearing on an application or appeal, the Board shall transmit to the Planning Commission a copy of said application or appeal in order that the Planning Commission may have an opportunity of submitting a report or opinion to the Board.
3. The hearing shall be conducted in accordance with §908 of the Pennsylvania Planning Code. The Zoning Hearing Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision of the Hearing Officer as final.

**§ 27-703 Variances**

*(Ord. 692, 5/3/1983, §703)*

The Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the provisions of this Chapter provided the following findings are made relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of this Chapter in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**§ 27-704 Special Exception Uses**

*(Ord. 692, 5/3/1983, §704)*

- 1. The Zoning Hearing Board shall have the power to decide applications for special exception uses as specified in this Chapter, in harmony with its general purpose and intent and in accordance with the standards set forth. The Board shall approve a special exception use only if it meets the following standards and criteria:
  - A. The use is compatible with adjacent uses and structures
  - B. The use is suited to the topography and other characteristics of the site.
  - C. The use complies with all off-street parking and other provisions of this Chapter.
- 2. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the health, safety, and general welfare of the Borough.

**§ 27-705 Nonconforming Uses**

*(Ord. 692, 5/3/1983, §705)*

The Zoning Hearing Board shall have the power to authorize changes of lawful nonconforming uses as follows:

- A. A nonconforming use which occupies a portion of a structure or premise may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the districts in which such structure or premises are located.
- B. The Board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

**§ 27-706 Appeal from Zoning Hearing Board's Decision**

*(Ord. 692, 5/3/1983, §706)*

Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer or any officer of the Borough, may within 30 days after a decision is rendered by the Board, appeal to the Court of Common Pleas of Erie County, Pennsylvania in accordance with Article X-A of the Pennsylvania Planning Code.

## **PART 8**

### **Amendments**

#### **§ 27-801 General**

*(Ord. 692, 5/3/1983, §801)*

The Borough Council may introduce and consider amendments to this Chapter and to the Zoning Map, as proposed by a member of the Borough Council, by the Planning Commission, or by a petition of a person residing or owning property within the Borough.

#### **§ 27-802 Petitions**

*(Ord. 692, 5/3/1983, §802)*

Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and filing fee, payable to the Borough in accordance with a schedule fixed by the Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Borough Council.

#### **§ 27-803 Action**

*(Ord. 692, 5/3/1983, §803)*

Before acting upon a proposed amendment, the Borough Council shall hold a public hearing thereon. Public notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published twice in a newspaper of general circulation in the Borough at least 7 but not more than 30 days prior to the date of the hearing.

## PART 9

### Zoning Map Amendments

Ordinance/Resolution No.	Date	Description
693	9/25/1983	Rezoning a certain tract of land commonly known as 57, 59, and 61 South Lake Street from R-B Residential to C-1 Commercial.
701	5/7/1984	Rezoning certain tracts of land from C-1 Commercial to R-B Residential
838	4/2/2007	Rezoning certain tracts of land commonly known as 5 and 7 Grahamville St. and 150 S. Lake St. from R-B Residential to C-1 Commercial

**PART 10**  
**Zoning Chapter 27 Ordinance #797 Amendment**

<i>Amendment No.</i>	<i>Date</i>	<i>Description</i>
	<i>9/8/10</i>	<i>Retype Chapter 27 Ordinance #797 into a Word Document. This copy supersedes copy dated July 6, 2000.</i>
<i>855</i>	<i>9/8/10</i>	<i>Rewording of Current Zoning Ordinance</i>



*All other resolutions and ordinances or parts thereof, inconsistent herewith, are hereby repealed.*

*Duly presented and ordained and enacted at a regular meeting of the Borough Council of the Borough of North East, Pennsylvania held the 8th day of September, 2010.*

\_\_\_\_\_  
*Chairman/President*

*ATTEST:* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*Secretary*