

Chapter 262

ZONING

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Table 1, Summary of Lot and Area Requirements

[HISTORY: Adopted by the Borough Council of the Borough of Linesville 6-4-1973 by Ord. No. 197. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 100.
Floodplain management — See Ch. 130.

Stormwater management — See Ch. 215.

ARTICLE I Authority and Application

§ 262-1. Grant of power.

Pursuant to the authority contained in Act 247 of the Commonwealth of Pennsylvania, and for the purpose of promoting health, safety, morals or the general welfare, the Borough Council of Linesville Borough is hereby empowered to regulate and restrict the height, number of stories, and size of the buildings and other structures, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures and percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and may also establish and maintain building lines and set back building lines upon any or all public streets.

§ 262-2. Establishment and amendment of districts.

- A. Procedure for establishing districts. For any or all said purposes, the Council may divide the Borough into districts of such number, shape, and area as may be deemed best suited to carry out the purpose of this article. Within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in another district.
- B. The Council shall provide by ordinance the manner in which the boundaries of such districts shall be determined and established and from time to time amended or changed. However, no such boundary shall become effective until after public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Borough, for two successive weeks.

ARTICLE II Purpose in View

§ 262-3. Community development objectives.

The Borough Council of the Borough of Linesville, County of Crawford and Commonwealth of Pennsylvania, does ordain that such regulations shall be made in accordance with a Comprehensive Plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Linesville. This chapter is inclusive zoning in that no use may be operated in a district unless it is specifically listed as a use by the right for that district.

§ 262-4. Title; Zoning Map.

This chapter shall be known and may be cited as the "Zoning Ordinance of Linesville Borough." The map herein referred to, which is identified as the "Zoning Map of Linesville Borough," and all the explanatory matter thereon, are hereby adopted and made part of this chapter.¹

ARTICLE III Planning Commission

§ 262-5. Establishment of Commission.²

The Planning Commission of Linesville Borough shall be established and function as provided in Chapter 41 of the Code.

ARTICLE IV Terminology

§ 262-6. Interpretation.

For the purpose of this chapter, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural.
- C. The word "person" includes a corporation as well as an individual.

1. Editor's Note: The Zoning Map is on file in the Borough offices.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. The word "lot" includes the words "plot" or "parcel."
- E. The term "shall" is always mandatory.
- F. The words "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.
- G. The word "building" includes the word "structure." Unless otherwise specified, all distances shall be measured horizontally.

§ 262-7. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated:

ACCESSORY USE OR STRUCTURE — A use or structure customarily incidental and subordinate to the principal use or structure, and which contributes to the comfort, convenience, and necessities of the occupants of the principal use or structure and which is located on the same lot with the principal use or structure, including, but not limited to, off-street parking and loading and garages. **[Amended 8-8-1994 by Ord. No. 264]**

ALTERATION — As applied to a building or structure, that change or rearrangement in the structural part or in the existing facilities, or in the enlargement, whether by extending, as a side, or by increasing in height, or the moving from one location to another.

AREA, NET FLOOR (AS APPLIED TO OFF-STREET PARKING) — The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.

BILLBOARD — Is a sign used for the general advertising of goods, places or services offered elsewhere than on the premises upon which the sign is located.

BILLBOARD (NON-POINT-OF-SALE SIGN) — Any outdoor sign, display, light, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform of a product, an activity or use conducted off-premises from the property on which they are located. **[Added 2-19-2008 by Ord. No. 293]**

BOROUGH — Any reference to the Borough contained herein shall refer specifically to Linesville Borough.

BUILDING LINE — An imaginary line located a fixed distance from the front line of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.

BUILDING or STRUCTURE — Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

CLUSTER DEVELOPMENT — A unique concept of residential development employing a more compact arrangement of dwelling units situated on land that has not been subdivided in the usual manner with structures situated on individual lots. The housing units, which may be either single-family detached dwellings, townhouses or garden apartments, are usually grouped around a common open space or green area which constitutes a major characteristic of cluster development.

COMMERCIAL — Engaging in a business, enterprise, activity or other undertaking for a profit.

COMMISSION, PLANNING — The legally appointed Planning Commission of the Borough of Linesville.

COMPREHENSIVE PLAN — The comprehensive, long-range plan for the desirable use of land in Linesville Borough; the purpose of such plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings.

CONVERSION APARTMENT — The remodeling of a single-family dwelling unit into two or more separate living units each having a minimum of 500 square feet of habitable area, exclusive of basement and/or cellar dwellings, one bathroom and three habitable rooms, separate and private sanitary, cooking and dining facilities and a minimum of two off-street parking spaces per living unit. No exposed steps shall be permitted.

COUNTY — Any reference to the county contained herein shall refer specifically to Crawford County.

DWELLING, MULTIPLE-FAMILY — A dwelling designed for or occupied exclusively as a residence for two families or more with separate housekeeping and cooking facilities for each family.

DWELLING, SINGLE-FAMILY — A building designed for or occupied exclusively as a residence for one family only.

EFFECTIVE DATE — The date on which this chapter is duly adopted by the Borough or as specified in ordinance adopting same.

ERECT — To construct, build, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance and repair of a sign or sign structure. **[Added 2-19-2008 by Ord. No. 293]**

ERECTED — Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

ESSENTIAL SERVICE — The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions of facilities, including buildings necessary for the furnishing of adequate services for the public health, safety or general welfare.

EXCEPTION (SPECIAL) — An exception shall mean the permission or approval granted by the Zoning Hearing Board in situations where the provisions therefore are by the terms of this chapter.

FAMILY — Any number of individuals related by blood or marriage living and cooking together as a single housekeeping unit, as distinguished from a group occupying a boarding house.

GROUP HOUSING — Where two or more residential buildings are constructed on a plot of ground not subdivided into the customary lots and streets.³

ILLUMINATED SIGN — Signs which are illuminated by electrical, mechanical or other means as well as those using luminous paint or reflectorized glass to reflect light.

JUNKYARD — The use of 200 square feet or more of the area of any lot, whether inside or outside a building for storage, keeping, or abandonment of junk including scrap metals, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

LEGISLATIVE BODY — The Council of Linesville Borough.

LOADING SPACE — The area required to accommodate one truck in a space 12 feet wide, 15 feet high and 45 feet long exclusive of access and turning area.

LOT — The parcel of land on which any main building and any accessory buildings are placed, together with the required open space.

LOT AREA — The horizontal area within the lot lines.

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

LOT WIDTH — The mean horizontal distance across the lot between the side lot lines measured at right angles to the depth.

MANUFACTURED HOUSING — A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. All manufactured housing shall be placed on a foundation. **[Added 8-8-1994 by Ord. No. 264]⁴**

3. Editor's Note: The original definition of "home occupation," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: This ordinance also repealed former definition "mobile home."

MOTEL — A building made up of two or more living or sleeping quarters used independently of each other and used principally (commercially) for overnight accommodations.

MUNICIPALITY or MUNICIPAL — Linesville and its Borough Council or designated representatives. [Added 2-19-2008 by Ord. No. 293]

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:⁵

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NONCONFORMING USE — A building, structure or premises lawfully occupied at the time of the enactment of this chapter by a use that does not conform with the provisions of this chapter for the district in which it is located; also such use resulting from changes in zoning districts or in text provisions made hereafter.

NURSING, CONVALESCENT HOME OR HOME FOR THE AGED — Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated by a nonprofit group and operated as an institution.

5. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

OCCUPANCY PERMIT — A statement signed by the Zoning Officer setting forth either that a building or structure complies with this chapter or that a building, structure or parcel of land may lawfully be employed for specified uses or both.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township. [Added 2-19-2008 by Ord. No. 293]

PARKING SPACE — The area required for parking one automobile 10 feet by 20 feet, excluding access or turning area.

PERSON — Includes any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or public or private corporation. [Added 2-19-2008 by Ord. No. 293]

PRINCIPAL USE — The major or dominant use or activity occurring on an individual lot.

PRIVATE GARAGE — An accessory building for the storage of motor vehicles or boats owned and used by the owner or tenant of the lot for a purpose accessory to the use of the lot, and for not more than one additional motor vehicle owned and used by others.

PROFESSIONAL OFFICE — Any office or business conducted by an individual or association who or that must be licensed under the laws of the Commonwealth of Pennsylvania.

PUBLIC GARAGE — A building or structure where motor vehicles can be temporarily stored or parked for the payment of a small fee.

RESPONSIBLE PERSONS — All persons in possession or control of real estate by reason of a lease, contract or other legal right or claim, and all persons performing work for the owner or person responsible. [Added 2-19-2008 by Ord. No. 293]

ROOMING HOUSE — A building other than a hotel where lodging is offered by prearrangement for a definite period for compensation, of three or more persons, not open to transient guests, in contradiction to hotels, motels or tourist homes open to transients.

SERVICE STATIONS — An area of land, including structures, used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sale of motor vehicle accessories which may include associated facilities for automobile servicing excluding painting.

SIGN — A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, or a sign posted, painted or placed in some fashion on a building, structure or any surface for such a purpose.

TOWNHOUSE — A unique residential structure containing four or more attached dwelling units. Each dwelling unit has a recorded lot in addition to a vested interest in the common open space. The structure may be one or two stories in height.⁶

TRAILER (TRAVEL AND RELATED CAMPING AND RECREATIONAL EQUIPMENT) — The various pieces of equipment shall be defined as follows:

- A. **TRAVEL TRAILER** — A vehicular, portable structure mounted on a chassis and designed for temporary (short-term) occupancy for travel, recreation and vacation purposes; permanently identified as a travel trailer by the manufacturer of the trailer; and, when factory equipped for the road, having a body width not exceeding eight feet and being any length, provided its gross weight does not exceed 4,500 pounds or any weight provided its body length does not exceed 29 feet.
- B. **PICKUP COACH** — A portable structure designed for use as a temporary dwelling for travel, recreation and camping uses when mounted on a truck chassis. The unique feature of this structure is the ease with which it can be mounted or dismounted from the truck chassis.
- C. **MOTORIZED HOME** — A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is usually used for camping or vacation purposes.
- D. **BOAT TRAILER** — A trailer designed to haul a boat.

UTILITY — Within the framework of this chapter, "utilities" shall include public water or public sanitary sewer facilities only.

VARIANCE — A variance is the legal permission by the Zoning Hearing Board to use a parcel of property for a permitted use in the particular zone, but to do so with some modification in the development standards for that zone. A variance applies only to that particular piece of property for which it is granted, and only to the modification of the land development standards. It does not apply to the modification of the permitted uses within the zone.

YARD — A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

YARD, FRONT — The open space extending across the entire width of the lot between the front line of the building and the street line.

YARD, REAR — The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.

YARD, SIDE — The required open space extending from the side of any building along the side lot line through the entire depth of the building.

6. Editor's Note: The definition of "trailer (house)," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ZONE — A legal and administrative process whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings and the area of ground built upon.

ZONING HEARING BOARD — The Board assigned the duties of judging various appeals of persons aggrieved by the interpretation of the terms of this chapter.

ZONING OFFICER — An individual authorized by Borough Council to be the administrator of the day-to-day application of the provisions contained in this chapter.

ZONING PERMIT — A statement signed by the Zoning Officer indicating that the application for permission to construct, alter or add is approved and in accordance with the requirements of the terms of this chapter.

ARTICLE V Establishment of Districts

§ 262-8. Districts established.

For the purpose of this chapter, the Borough is hereby divided into the following districts:

- R-1 Single-Family Residential
- R-2 General Residential
- R-3 Mobile Home Residential
- C-1 CBD Commercial
- C-2 Secondary Commercial
- I Industrial
- S-C Special Conservation

§ 262-9. Map designation of district.

The aforesaid districts are bounded and defined on a map entitled "Zoning Map," and certified by the Secretary, which map accompanies this chapter and is hereby made a part thereof.⁷

§ 262-10. Boundaries.

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

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

7. Editor's Note: The Zoning Map is on file in the Borough offices.

- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through C above shall be so construed. Distances not specifically indicated on the Zoning Districts Map shall be determined by the scale of the Map; and
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Districts Map, or in other circumstances not covered by Subsections A through D above, the Zoning Hearing Board shall interpret the district boundaries.

ARTICLE VI Application of Regulations

§ 262-11. Use of property.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

§ 262-12. Restrictions.

- A. No building shall hereafter be erected or altered:
 - (1) To exceed the height;
 - (2) To accommodate a greater number of families;
 - (3) To occupy a greater percentage of lot area;
 - (4) To have narrower or smaller rear yards, front yards or side yards than are specified herein for the district in which such building is located; and
 - (5) To be on a site that has experienced periodic flooding.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
- C. This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

ARTICLE VII
Permitted Uses

§ 262-13. R-1 Single-Family Residential District.

In R-1 Single-Family Residential Districts, only the following structures and uses are permitted:

- A. Single-family detached dwellings and associated garages.
- B. Parks, playgrounds and other recreational uses (noncommercial).
- C. Educational and religious uses.
- D. Home gardening, with commodity sales prohibited.
- E. Roadside stands offering for sale of products raised on the premises including a minimum of 10 parking spaces.
- F. Municipal buildings including police, fire and governmental.
- G. No-impact home-based business.⁸
- H. Accessory uses on the same lot with and customarily incidental to a principal use.
- I. The keeping of animals in this district shall be limited to house pets in the normal meaning of the term and shall not be interpreted to include any activity of a commercial nature such as kennel functions.

§ 262-14. R-2 General Residential District.

A. In R-2 General Residential Districts, only the following structures and uses are permitted:

- (1) All uses permitted in R-1 Districts.
- (2) Multifamily dwelling units, townhouses and garden apartments and associated garages.
- (3) Private clubs, lodges, recreation buildings or properties (noncommercial).
- (4) Educational, religious and other public administration buildings.
- (5) No-impact home-based business.⁹
- (6) Accessory uses on the same lot with and customarily incidental to a principal use.
- (7) Uses specifically prohibited are as follows:
 - (a) Mobile homes, unless tied to a foundation by six three-eighths-inch bolts, 24 inches long.

8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (b) Mobile home parks.
- B. The following special exceptions shall require authorization of the Zoning Hearing Board and must meet the prescribed conditions.
 - (1) Professional offices, nursing homes and funeral homes.
 - (a) Minimum lot width.
 - [1] Professional offices: 50 feet.
 - [2] Nursing and funeral homes: 100 feet.
 - (b) Minimum lot size.
 - [1] Professional offices: 5,000 square feet.
 - [2] Nursing and funeral homes: 15,000 square feet.
 - (c) Off-street parking requirements.
 - [1] Professional offices: one space per office plus space for every 200 square feet of net floor area.
 - [2] Funeral homes: one space per employee and two spaces for the owner or operator plus four spaces for every 300 square feet of net floor area.
 - [3] Nursing homes: one space for every three patient beds plus one space per employee and two spaces for the owner or operator.
 - (2) Conversion apartments.
 - (a) Each living unit must provide a minimum of 500 square feet of habitable living area.
 - (b) Each living unit shall contain one bathroom and three habitable rooms, at least one of which shall be a bedroom.
 - (c) Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
 - (d) Fire and safety provisions must be certified to be adequate by the Borough Fire Marshal.
 - (e) Parking facilities as required for other residential units.

§ 262-15. R-3 Mobile Home Residential District.

- A. Those uses permitted in the R-1 and R-2 Districts are permitted in the R-3 District.
- B. The following special exceptions shall require authorization of the Zoning Hearing Board and must meet the prescribed conditions.

(1) Mobile home parks.

(a) Permits.

- [1] Permits required. It shall be unlawful for any person to maintain, construct, alter or extend any mobile home park within the limits of the Borough unless he holds a valid permit issued by the Department of Environmental Protection in the name of such persons and also a zoning permit issued by the Borough Zoning Officer.
- [2] Application to Department of Environmental Protection. All applications for zoning permits shall be made by the owner of the mobile home park or his authorized representative in accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Health, Chapter 4, Article 415, Regulations for Mobile Home Parks, Adopted October 30, 1959, Amended January 22, 1965, and as subsequently amended.¹⁰
- [3] Application to Township Zoning Officer. A copy of said Department of Environmental Protection application shall be concurrently filed with the Borough Zoning Officer, using a form furnished by the Zoning Officer, for a permit to operate a mobile home park in the Borough.

(b) Minimum lot area: five acres.

(c) Minimum width of lot. For portions used for general vehicular entrances and exits only, 50 feet; for portions containing mobile home stands and buildings open generally to occupants, 200 feet. The tract shall comprise a single plot except where the site is divided by public streets or alleys, or where the total property includes separate parcels for necessary utility plants with permanent rights-of-way and easements for connection and access or for other structures necessary to the park, but not open generally to the occupants, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.

(d) Length of residential occupancy. No space shall be rented for residential use of a mobile home in any such park except for a period of seven days or more.

(e) Individual lots. The planning and location of individual lots shall be guided by the following requirements:

- [1] Access. Each space should be directly accessible from an approved internal street without the necessity for crossing any other space.
- [2] Size. Area and spacing of units with relation to other units and buildings. Each mobile home space shall be a minimum of 4,000 square feet in area. Mobile homes shall be parked on each space so that there

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

will be at least 25 feet side-to-side spacing between homes, 10 feet end-to-end spacing between homes and any adjacent property line, 25 feet from the right-of-way line of any public street or highway, and 25 feet from any building or structure. Spaces shall be so dimensioned, improved and arranged that when any space is occupied, no portion of any unit (including awning or other accessory attachments) shall be within 10 feet of any portion of any other unit or any building.

- (f) Internal street system. The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants.
- [1] Alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface and ground water.
 - [2] Surfacing and maintenance shall provide a sound all-weather driving surface, reasonably smooth and free from mud, dust or standing surface water, and to the construction standards of Borough roads.
 - [3] Street widths for surfaced roadways shall be adequate to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - [a] Minor streets are hereby defined as less than 500 feet in length and serving: with drive-through spaces, 50 or less if street is one-way, 100 or less if two-way; or where it is necessary to back into or out of spaces, 25 spaces or less if street is one-way, 50 or less if two-way. One-way, with parking on one side only: 20 feet. Two-way, with parking on one side only: 28 feet.
 - [b] Collector streets (streets other than minor streets, as defined above, serving up to and including 200 spaces, and without limitation on length): one-way, with parking on one side only: 22 feet; two-way, with parking on one side only: 34 feet.
 - [c] Street widths at access points. At points where general traffic enters or leaves the park, regardless of the classification of the street under items above, street widths shall be sufficient to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement. Where substantial pedestrian movement from and to the park is anticipated, sidewalks shall be provided in such a manner as to eliminate use of roadway surface by pedestrians at access points.
 - [d] Dead-end streets shall be provided with a turnaround having an outside roadway diameter of at least 60 feet.

- (g) Sidewalks. Paved sidewalks, at least three feet in width, shall be provided on both sides of all streets.
- (h) Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one parking space for each mobile home lot plus an additional car space for each three lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to the mobile home stands. Insofar as practicable, one car space shall be located on each lot and the remainder located in adjacent parking bays.
- (i) Recreation area. Recreation areas and facilities such as playgrounds, swimming pools and community buildings shall be provided to meet the anticipated needs of the clientele the park is designed to serve. Provision of separate adult and child recreation areas is encouraged.
 - [1] Size. Not less than 8% of the gross site area shall be devoted to recreational facilities, generally provided in a central location or, in larger courts, decentralized. Recreation area includes space for community buildings and community use facilities, such as guest parking, adult recreation and child play areas, swimming pools, utilities and drying yards.
- (j) Utility requirements. Provisions for central water supply, sewage disposal, electrical distribution, refuse handling, and fuel supply and storage shall be in accordance with regulations established by the Pennsylvania Department of Health for mobile home parks.
- (k) Required setbacks, buffer strips and screening:
 - [1] All mobile homes shall be located at least 20 feet from any park property boundary line abutting upon a public street or highway and at least 10 feet from other park property boundary lines.¹¹
 - [2] There shall be a minimum distance of 10 feet between an individual mobile home, including accessory structures attached hereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.

§ 262-16. C-1 Central Business District Commercial District.

- A. In C-1 Central Business District Commercial Districts, only the following structures and uses are permitted:

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Retail business, banks and professional offices when all are conducted entirely within buildings.
 - (2) Restaurants, hotels, motels, cafes, motion-picture theaters, bowling alleys and other places of public amusement conducted entirely within buildings.
 - (3) Service establishments including barbershops and beauty shops, custom tailor shops, laundry agencies, self-service laundries, hand laundries, shoe repair, dry cleaning, pressing or tailoring shops, in which only nonexplosive and noninflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere.
 - (4) Bakery, candy, pastry, confectionery or ice cream retail sales only.
 - (5) Automobile sales conducted entirely within buildings.
 - (6) Automobile repair when conducted entirely within a building and when not less than 100 feet from a residential district.
 - (7) Parking lots and parking garages.
 - (8) Advertising signs as specified in Article X.
 - (9) Multifamily dwelling units only when first floor is commercial.
 - (10) Private clubs and lodges.
 - (11) None of the above will be so constructed as to permit vehicles to cross the sidewalk.
- B. The following special exceptions require authorization of the Zoning Hearing Board and must meet the prescribed conditions.
- (1) Outdoor recreation and commercial uses, including outdoor automobile sales.
 - (a) Such uses shall neither be less than 100 feet from a residential district, church or school nor designed or related to interfere with peaceful enjoyment of such properties by reason of lights, noise or other physical factors.
 - (2) Gasoline stations and other drive-in uses.
 - (a) No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
 - [1] Within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children.
 - [2] Within 100 feet of any hospital, church or public library.
 - [3] Within 75 feet of a lot in a residential district as established in this chapter.

- (b) No equipment above surface of ground for the service of motor vehicles shall be closer than 30 feet to any property line.
- (c) The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curblineline or edge of pavement.
- (d) No two driveways leading from a public street to such service station or other drive-in shall be within 15 feet of each other at their intersection with the curb or street line.
- (e) Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or into streets.

§ 262-17. C-2 Secondary Commercial District.

In C-2 Secondary Commercial Districts, only the following structures and uses are permitted:

- A. Integrated neighborhood shopping centers.
- B. Retail stores and shops.
- C. Wholesale establishments.
- D. Eating and drinking establishments, commercial recreation and public utility functions.
- E. Professional and office uses.
- F. Service establishments such as beauty shops, barbershops, shoe repairs, minor appliance and dry-cleaning pickup.
- G. Automobile service stations as defined in § 262-16.
- H. Automobile repair garages, provided all operations are conducted within the confines of a building established for such purposes.
- I. Drive-in uses including retail, food and amusement centers, both public and private.
- J. Accessory uses on the same lot and customarily incidental to the principal use.
- K. Funeral homes.

§ 262-18. I Industrial District.

In I Industrial Districts, only the following structures and uses are permitted:

- A. Lumber storage and finishing activities, provided that lumber is stored in fire-resistant buildings.
- B. Distributing plant, beverage bottling and/or distribution.

- C. Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- D. Carpenter, electrical, plumbing, heating or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing.
- E. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products.
- F. Sales, retail or wholesale, generally associated with the uses in this district are permitted.

§ 262-19. S-C Special Conservation District.

In S-C Special Conservation Districts, only the following structures and uses are permitted:

- A. Inaccessible or remnants of land not subject to flooding may be used for the following or comparable purposes or retained in their natural state.
 - (1) Recreation uses.
 - (2) Agricultural activities.
- B. Cemeteries. [Added 7-10-1995 by Ord. No. 267]

ARTICLE VIII

Lot, Height and Area Requirements

§ 262-20. Requirements.

Table 1 provides a summary of lot, area, yard and height requirements for all zoning districts where construction is anticipated.¹² The minimum lot and area requirements assume that all structures will be provided with municipal water and sanitary sewage collection facilities.

ARTICLE IX

Parking and Loading Requirements

§ 262-21. Requirements by district.

Off-street parking and loading facilities shall be provided in individual zoning districts as specified herewith:

- A. R-1 and R-2 Residential Districts.
 - (1) Parking requirements.
 - (a) A parking space shall be 300 square feet in area, including access or turning area.

12. Editor's Note: Table 1 is included at the end of this chapter.

- (b) Single-family dwellings: two spaces per single-family detached dwelling unit.
- (c) Multifamily: two space per dwelling unit in multifamily structures plus one additional parking space for every four units to provide for guest parking or two-car tenants.
- (d) Off-street parking facilities for recreational uses, professional offices, nursing homes and funeral homes shall be located a minimum of eight feet from any lot line.
- (e) Recreational uses: one per 3,000 square feet of gross lot area.
- (f) Office and municipal buildings: one space per office plus one space for every 200 square feet of net floor area.
- (g) Nursing homes: one space for every three patient beds plus one space per employee and two spaces for the owner or operator.
- (h) Funeral homes: one space per employee and two spaces for the owner or operator plus four spaces for every 300 square feet of net floor area.
- (i) Churches, auditoriums, stadiums or other places of public assembly: one for each three seats, in the largest seating unit.

B. C-1 and C-2 Commercial Districts.

(1) Parking requirements.

- (a) A parking unit space shall be 300 square feet in area, including access or turning area.
- (b) Professional offices: one space per office plus one for every 400 square feet of floor space.
- (c) Theater, church, auditorium, stadium or other places of public assembly: one for each three seats.
- (d) Retail or personal service uses: one for each 100 square feet of net floor area.
- (e) Private clubs and lodges: one space for each 200 square feet of gross floor area.
- (f) Retail and wholesale sales: one for each 400 square feet of sales floor area plus one for every two employees.
- (g) Restaurants or other places serving beverages, rations, or refreshments: one for each three seats.
- (h) Motor vehicle sales rooms, garages, repair shops: one for each 500 square feet of floor space.
- (i) Bowling alleys: five per alley.

- (j) Integrated neighborhood shopping centers: one square foot of off-street parking space for each 1 1/2 square feet of retail floor space.
- (k) Drive-in uses: 10 units (not permitted in C-1).
- (l) Multifamily dwelling units: two spaces per dwelling unit, plus one additional parking space for every four units to provide for guest parking or two-car tenants.

(2) Loading requirements.

- (a) A loading unit shall consist of a space 12 feet wide, 15 feet high and 45 feet long, exclusive of access and turning area.
- (b) Retail or personal service uses: one unit for each sales area.
- (c) Wholesaling, storage or processing: one unit for each 3,000 square feet of floor area.

C. I Industrial District.

(1) Parking requirements.

- (a) A parking unit shall be 300 square feet in area including access or turning area.
- (b) One space per every two employees for any two shifts.

(2) Loading requirements.

- (a) A loading unit shall consist of a space 12 feet wide, 15 feet high and 45 feet long, exclusive of access and turning area.
- (b) One space for each 3,000 square feet of floor area.

§ 262-22. Loading and unloading of trucks in commercial and industrial districts.

In all commercial and industrial districts covered by this chapter, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle or the operations of the loading or unloading shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof.

§ 262-23. Intent.

This article is not intended to regulate parking, but is intended to regulate the provision of off-street parking facilities in the interest of safety and the general welfare of the municipality.

ARTICLE X
Signs

§ 262-24. Application.

Signs may be erected and maintained only when in compliance with the provisions of this article and any and all other ordinances and regulations of the Borough relating to the erections, alterations or maintenance of signs and similar devices. No signs shall be in the clear site triangle area.

§ 262-25. Permitted uses.

Signs may be erected for the following purposes and no other:

A. R-1, R-2 and R-3 Residential Districts.

- (1) Street or road signs, provided they are more than seven feet above the top level of the curb; such signs may have a reflective surface.
- (2) Permanent, freestanding signs, provided the area of the sign does not exceed two square feet. These signs may have a reflective surface or may be illuminated from the front, rear or within.
- (3) Permanent, freestanding signs erected by churches, schools, or similar institutions, nursing homes and funeral homes, provided the area of the sign does not exceed 24 square feet. These signs may have a reflective surface or may be illuminated.
- (4) Small announcement signs designating professional offices such as those of a physician, attorney, engineer or similar professional person, or generally the name of the occupant and the street number, provided the area of the sign does not exceed two square feet. These permanent signs, which may be freestanding or attached to the surface of the structure, may have a reflective surface or may be illuminated from the rear, provided that the letters and numbers do not exceed three inches in height.
- (5) The bottommost part of any sign shall not exceed the height of two feet above the ground level if not attached to a structure.
- (6) Signs shall be located at a minimum distance of four feet from the street or road right-of-way if no sidewalk exists and four feet from the inside edge of the sidewalk if one exists. No sign shall be installed if it conflicts with the sight line and the sight triangle requirements.¹³
- (7) Existing billboards shall be regarded as separate structures within the meaning of this chapter. Advertising displays on buildings or other surfaces shall be included as permanent signs.

B. C-1, C-2 and I Districts.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Street or road signs, provided they are more than seven feet above the top level of the curb; such signs may have a reflective surface.
 - (2) Signs directly relating to a use conducted on the premises, providing that the total area in square feet of all such signs including signs on 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.
 - (3) No sign shall exceed the height of a related building or 28 feet, whichever is greater.
 - (4) Except as provided herein, no sign shall extend more than 48 inches over a public right-of-way and none shall extend past the center line of a public sidewalk.
 - (5) The use of signs with moving devices, intermittent lighting or signs similar to traffic control devices are prohibited.
 - (6) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- C. Temporary signs. Freestanding, temporary signs and overhead banners are permitted in all districts subject to the following requirements:
- (1) Freestanding, temporary signs shall not exceed 12 square feet in area.
 - (2) Temporary overhead banners shall not exceed the size of four feet by 36 feet and shall be erected so that the bottommost part of the banner shall be at least 20 feet above the ground surface.
 - (3) All temporary signs shall be constructed, located and erected so as not to cause a traffic hazard.
 - (4) In addition to these requirements, temporary signs shall conform to all other requirements of this article except § 262-27.
- D. Sign permits.
- (1) Sign permits are required for all permanent and temporary signs referred to in this article.
 - (2) Sign permits shall be applied for and issued in accordance with Article XIII of this chapter.

§ 262-26. Condition and maintenance.

In addition to the other requirements of this article, every sign referred to herein must be constructed of durable materials, kept in repair and not permitted to become dilapidated. Each sign shall be removed by the person or persons responsible for its erection no later than two weeks after the circumstances leading to its erection no longer apply. A fine as prescribed by the Borough Council shall be imposed if said sign is not removed within the designated time period.

§ 262-27. Purpose of sign used.

In addition to the other requirements of this article, no signs or other advertising displays shall be permitted, except those specifically pertaining to the use of the property on which they are located. Further, all lighting and illumination of signs shall conform to accepted practices regarding hazards to traffic.

§ 262-28. Billboards.

Billboards which are freestanding or attached to structures are prohibited in all districts.

§ 262-29. Scenic byway billboards (non-point-of-sale signs). [Added 2-19-2008 by Ord. No. 293]

- A. Purpose. The following regulations are intended to implement the "scenic byway" designation within Linesville Borough along portions of U.S. Route 6; beginning segment 0140, beginning offset 0000, ending segment 0170, ending offset 2962, beginning at the westernmost Linesville municipal boundary and ending at the easternmost Linesville Borough municipal boundary; S.R. 3011, beginning segment 0200, beginning offset 0000, ending segment 0200, ending offset 1906, beginning at the junction of U.S. Route 6, S.R. 3018 and S.R. 3011 and ending at the Linesville Borough and Pine Township municipal boundary by prohibiting billboards along U.S. Route 6 and S.R. 3011 in accordance with the parameters set forth in state and federal law, and to enable state or federal funding to be obtained to preserve the natural beauty of this highway and to promote the public welfare.
- B. Billboards (non-point-of-sale signs). No billboard, as defined, may be erected by any owner, person responsible or other person:
- (1) Within 660 feet of the nearest edge of the right-of-way of U.S. Route 6 or State Route 3011; or
 - (2) More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way of U.S. Route 6 or State Route 3011 and the purpose of the billboard is that its message be read from the main-traveled way of U.S. Route 6 or State Route 3011, except as provided in Subsection C.
- C. Exceptions. The prohibition set forth above shall not apply to:
- (1) The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);
 - (2) Signs advertising the sale or lease of the real property upon which they are located;
 - (3) Signs advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and

- (4) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.
- D. Existing devices. All billboards constructed and existing on the effective date of this chapter, which would be prohibited under this chapter, shall be permitted, except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.
- E. Landowner responsibility. For purposes of this chapter, the person or persons holding legal title to property on which a person is maintaining a condition of premises in violation of this chapter shall be subject to the remedies, penalties and liability imposed by enforcement of this chapter.
- F. State byway program. If the roadway is designated a byway by the Commonwealth of Pennsylvania Department of Transportation, the municipality shall enforce the prohibitions set forth in this chapter and shall not revise this chapter without the prior written approval of the Department. Failure to do so may result in revocation of the byway designation.
- G. Notice of violation. Whenever a condition constituting a violation of this chapter is found to exist, the municipality or its designated representative shall cause written notice to be served upon the owners of the subject premises, as well as other persons responsible for the billboard. Service of this notice may be made by personal delivery to the owners and other persons responsible or by mailing the notice to their last known address by certified mail. The notice shall identify the subject property and owner(s), or other persons responsible, describe the conditions of the property which constitute the violation, set forth the applicable section(s) of the chapter, and set forth a reasonable time to correct or remedy the violation.
- H. Remedies for violation.
- (1) Violation of this chapter may result in any one or more of the following actions:
- (a) The municipality may order the removal of billboards installed or constructed in violation of the provisions of this chapter;
- (b) The municipality may institute proceedings before the Magisterial District Judge or in a court of law to recover penalties and costs as provided in this chapter;
- (c) The municipality may institute an action in equity or at law, to abate the violation and obtain such other relief as is appropriate.
- (2) The remedies provided herein for the enforcement of this section, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the municipality.¹⁴

14. Editor's Note: Original Subsection I, Penalty, which followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE XI
Supplementary Regulations

§ 262-30. Applicability.

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

§ 262-31. Special exceptions.

A special exception may be permitted in a zone under special conditions. The purpose of the special exception is to provide a means for the inclusion of uses which are necessary for the functioning of the zone, but which, by their special nature, require unique development standards. This chapter specifies the conditions that must be met and leaves the onus of proving that such conditions are met to the developer. This means that he must submit development plans to the Zoning Hearing Board which will ascertain if he has met the specified requirements.

§ 262-32. Essential services.

Essential services, as defined in this chapter, shall be permitted in all districts, subject to restrictions approved by the Planning Commission with respect to use, design, yard area, setback and height.

§ 262-33. Dwellings on small lots.

Notwithstanding the limitations imposed by other provisions of this chapter, the Zoning Hearing Board may permit erection of a dwelling on any lot (in a residential district where permitted by this chapter) separately owned or under contract of sale and containing, at the time of the effective date of this chapter, an area or width smaller than required for a single-family dwelling. In no case shall any dwelling be permitted within five feet of a lot line in any residential district.

§ 262-34. Mobile home, camping and recreational equipment storage.

Trailers, camping and recreational equipment as defined within the terms of this chapter and including mobile homes, travel trailers, pickup coaches, motorized homes, boats and trailers may be parked or stored subject to the following requirements:

- A. At no time shall such parked or stored camping and recreational equipment (mobile homes excepted) be occupied or used for living, sleeping or housekeeping purposes.
- B. Mobile homes may be parked and occupied upon issuance of a temporary mobile home parking and occupancy permit. The temporary mobile home parking and occupancy permit shall be limited to a maximum of one consecutive two-week period in any one calendar year. At no time and under no circumstances shall extensions to said permit be granted.

- C. Mobile homes for permanent living purposes shall be placed on permanent foundations and shall have a continuous skirting applied fully around its base which is made of waterproof, nondeteriorating building material.¹⁵

§ 262-35. Storage, general.

No lot or premises shall be used as a junkyard for automobiles, appliances or the storage or collection of any other miscellaneous items. Also, no lot or premises shall be used as a garbage dump or a dead animal rendering plant and no manure, rubbish or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to the public health or safety. No exceptions shall be made except by official government action.

§ 262-36. Lot area measurement.

For purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six times the average width of the lot may be utilized in calculations.

§ 262-37. Yard requirements.

The following may project into the required yards as established herein:

- A. Steps or stoops not exceeding 24 square feet in area.
- B. Eaves, cornices and belt courses not exceeding two feet.
- C. Open fire escapes not exceeding 54 inches.

§ 262-38. Fences, walls and hedges. [Amended 8-8-1994 by Ord. No. 264]

Fences, walls, hedges and other plantings are permitted in all districts as accessory uses. These uses need not comply with the yard requirements set forth in this chapter; providing, however, that these objects:

- A. Shall not be more than 3 1/2 feet high in front yards;
- B. May be located on the property line in a front yard;
- C. Shall not be more than six feet high in side and rear yards;
- D. Shall be located at least six inches from side and rear property lines, except for partition fences, walls, hedges and other plantings, which may be erected less than six inches from or on the property line with the written consent of all affected property owners;
- E. At street corner lots, shall not be located as to interfere with vision clearance across the lot corner by exceeding 30 inches in height above curb level on any portion of the lot

15. Editor's Note: Original Sec. 1104, Storage General, which immediately followed this subsection, was repealed 8-8-1994 by Ord. No. 264.

within the triangle formed by the street or alley right-of-way lines abutting the lot and a line drawn between points along such rights-of-way lines 15 feet distant from their point of intersection;

- F. Shall be placed so that the more attractive side of the fence is placed toward the adjoining property owner's property;
- G. Shall be of the type customarily utilized in the appropriate districts and subject to the Zoning Officer's discretionary approval; and
- H. Shall be installed in a workmanlike manner and maintained in a safe and pleasing manner.

§ 262-39. Swimming pools. [Amended 8-8-1994 by Ord. No. 264]

- A. Private swimming pools shall be permitted as an accessory use in all districts, providing the swimming pool is:
 - (1) Located, including any paved area or accessory structures which are part of the swimming pool development, in the rear or side yard, and minimum of 10 feet from any property line;
 - (2) Walled, fenced and gated in compliance with the applicable requirements of the Uniform Construction Code.¹⁶
- B. This chapter shall only apply to swimming pools which are four feet or greater in depth.

§ 262-40. Additional dwellings.

Individual lots or subdivided parcels of 10 acres or less in size shall have no building or buildings in addition to the main building on the same lot used for living purposes. Further, no building in the rear of a main building on the same lot may be used for living purposes in a residential district.

§ 262-41. Cellar dwellings.

No living quarters shall be placed in a basement structure in any other room or space having less than four feet of ceiling clearance above the average ground level.

§ 262-42. Building setback.

Where one or more preexisting structures is located on adjacent lots within 100 feet in either direction of a proposed structure, the setback of the proposed structure shall conform with the average setbacks of the preexisting structures.

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 262-43. Reduction in lot area.

No lot area or adjacent lots of record shall be reduced in area, causing requirements of this chapter to be violated, except in the case of the placement of utilities.

§ 262-44. Height measurement.

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
- (1) In case of flat roof structure: highest point of coping.
 - (2) In case of mansard roof structure: deck line of roof.
 - (3) In case of gable or hipped roof: average height of roof.
- B. A habitable attic shall be counted as a story.

§ 262-45. Height exceptions.

The height limitations of this chapter shall not apply to flagpoles, church spires, belfries, domes or similar projections not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, public utility facilities, bulkheads, silos, antennas and other necessary mechanical and operational apparatus usually carried above the roof level.

§ 262-46. Off-street parking and loading.

For every building hereafter erected or altered or use hereafter established, there shall be provided off-street parking and loading as required in each district described in this chapter. Such areas, together with access and turning areas, shall be paved, graveled or slagged. Sufficient off-street parking and loading areas shall be provided to satisfy requirements of normal conditions. All such space provided shall be located on the same lot with the building, except that the Zoning Hearing Board may permit parking space within the C-1 Central Business District and the R-2 General Residential District to be located on any lot wholly within 300 feet of the building if it deems it impractical to provide space on the same lot with the building. Parking bays adjacent to the street and built in a fashion that will cause automobiles to back into such street, shall not qualify as acceptable off-street parking.

§ 262-47. Annexed areas.

For zoning purposes, all areas annexed to the municipality after the adoption of this chapter shall be classified R-1 Single-Family Residential District until such time as is required to officially amend this chapter to include the annexed areas and classify these areas in accordance with the Comprehensive Plan.

ARTICLE XII
Nonconforming Uses

§ 262-48. Term defined.

A nonconforming use is the lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this chapter, or in the case of an amendment of this chapter, then at the time of such amendment, although such use does not conform with the Zoning Ordinance.

§ 262-49. When permitted.

Subject to the provisions of this article, a use of building or land existing at the time of the legal adoption of this chapter may be continued, even though such use does not conform with the provisions of this chapter for the district in which it is located.

§ 262-50. Unsafe structure.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

§ 262-51. Alterations.

A nonconforming building or structure may be altered, improved or reconstructed, provided such work does not exceed the fair replacement value of the building or structure or provided the building or structure is changed to a conforming use.

§ 262-52. Restoration.

Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God subsequent to the date of legal acceptance of this chapter wherein the expense of such work does not exceed the fair replacement value of the building or structure at the time such damage occurred.

§ 262-53. Extension.

- A. A nonconforming use may be extended as a special exception upon approval through application to the Zoning Hearing Board subject to the following:
- (1) The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 - (2) The extension does not encroach upon the yard height requirements of the district in which the nonconforming use is presently located.
 - (3) The extension is for the purpose of expanding the nonconforming use in existence at the time of the legal acceptance of this chapter.

- B. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use.

§ 262-54. Changes.

No nonconforming building, structure or use shall be changed to another nonconforming use.

§ 262-55. Construction approved prior to legal enactment of standards.

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning permit has been issued and the construction of which shall have been diligently prosecuted within two months of the date of such permit, and the ground story framework of which shall have been completed within four months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of legal enactment of this chapter.

§ 262-56. Abandonment.

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one of the following conditions exists:

- A. When the intent of the owner to discontinue the use is apparent.
- B. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use.
- C. When a nonconforming use has been discontinued for a period of six months.
- D. When it has been replaced by a conforming use.
- E. When it has been changed to another use under permit from the Zoning Hearing Board.

§ 262-57. Unlawful use not authorized.

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of legal enactment of this chapter.

§ 262-58. District changes.

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, the foregoing provisions shall apply to any nonconforming uses existing therein.

ARTICLE XIII
Administration and Enforcement

§ 262-59. Administration.

A Zoning Officer shall administer and enforce this chapter, including the receiving of applications, the inspection of premises, issuing zoning, occupancy and sign permits and stop-work orders. No zoning, occupancy or sign permit shall be issued by said Officer except where the provisions of this chapter have been complied with. The Zoning Officer shall be appointed by the Borough Council.

§ 262-60. Zoning permit.

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Officer. All applications for zoning permits shall be in accordance with the requirements of this chapter; and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this chapter.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 100% of the fair market value.
- C. There shall be submitted with all applications for zoning permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this chapter.
- D. One copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon a payment of a fee as predetermined from a fee schedule adopted by the Borough Council.

§ 262-61. Occupancy permit.

- A. Completion of the authorized new construction, alteration, remodeling, change of use of building or land under the provisions of a zoning permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within one week of receipt of the proposed use, provided the use is in conformity with the provisions of this chapter and other effective and applicable ordinances. Zoning Officer refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- B. Occupancy permits are required for the following:

- (1) Occupancy of a new building.
 - (2) Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - (3) Change in the use of an existing building other than to a use of the same type.
 - (4) Occupancy and use of unimproved or vacant land.
 - (5) Change in the use of land except to another use of the same type.
 - (6) Any change in use of a nonconforming use.
- C. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this chapter and all other ordinances of the municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of this chapter.

§ 262-62. Sign permit.

- A. No permanent or temporary sign as described in Article X shall be erected until a permit therefor has been issued by the Zoning Officer.
- B. Application to the Zoning Officer shall be processed within one week of the receipt of request to erect a sign, provided the size is in conformity with the provisions of this chapter and all other effective and applicable ordinances. Refusal for a sign permit shall include a written statement to the applicant containing the reasons for denial.
- C. Negligence to apply for a sign permit is punishable by a fine as prescribed by the Borough Council and payable to said Council. Payment of said fine does not automatically grant approval to erect a sign.

§ 262-63. Fees. [Amended 8-8-1994 by Ord. No. 264]

The Borough Council may establish and alter from time to time, by resolution, a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments, and other matters pertaining to this chapter.

- A. Application for a zoning permit shall be accompanied by two copies of the layout or plot plan and one copy shall be returned when approved by the Zoning Officer together with the zoning permit upon payment of the prescribed fee.
- B. Application for an occupancy permit shall be returned when approved by the Zoning Officer together with the occupancy permit upon payment of the prescribed fee.
- C. Application for a sign permit shall be returned when approved by the Zoning Officer, together with the sign permit upon payment of the prescribed fee.

ARTICLE XIV
Zoning Hearing Board

§ 262-64. Creation, appointment and organization.

A Zoning Hearing Board is hereby created. Said Board shall consist of three members appointed by Borough Council. The initial terms of the first three members shall be as follows: one shall serve until the first day of January following the effective date of this chapter; one until the first day of the second January following the effective date of this chapter and the other until the first day of the third January following the effective date of this chapter. Their successors shall serve for terms of three years. Any vacancy shall be filled for the unexpired term only. The members of the Board shall be removed for cause by the appointing authority upon written charges and after public hearing. The Board shall organize and elect a Chairman and a Secretary from its membership and shall prescribe rules and procedures for the conduct of its affairs in accordance with applicable law.

§ 262-65. Powers and duties.

- A. The Zoning Hearing Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the administration of this chapter.
- B. The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass under this chapter.
- C. The Zoning Hearing Board may issue special permits for any of the uses requiring such permits under the terms of this chapter. In granting special permits, the Board shall prescribe the basis upon which the permit was issued and the conditions deemed necessary or desirable for the protection of public interests. No special permit shall be granted by the Zoning Hearing Board unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this chapter.
- D. The Zoning Hearing Board may adapt or vary the strict application of any requirements of this chapter in the case of irregular, narrow, shallow or steep lots or other physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved but in no other case.
 - (1) No such variance in the strict application of any provision of this chapter shall be granted by the Zoning Hearing Board unless it finds that there are special circumstances or conditions which are such that the strict application of this chapter would deprive the applicant of the reasonable use of land or buildings.
 - (2) The granting of any variance shall be in harmony with the general purpose and intent of this chapter and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

§ 262-66. Procedure. ¹⁷

The procedure of the Zoning Hearing Board shall be governed by the provisions of applicable laws of the Municipalities Planning Code and such rules, not inconsistent therewith, as the Board may adopt. The accompanying illustration provides visual comprehension to the following procedural steps for appealing the actions of the Zoning Officer.¹⁸ In general, these steps are as follows:

- A. Any appeal from the requirements of the Zoning Ordinance shall be taken by filing with the Officer from whom the appeal is taken and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all of the documentary material constituting the record upon which the action appealed was taken.
- B. The appellant shall, at the time of filing his appeal, pay the enforcing officer a fee as determined by Borough Council to defray, or help defray, the cost of the required advertising.
- C. Each appeal shall be tried on its merits at a public hearing. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the Borough and in accordance with the applicable law. Two notices shall be advertised at least 15 days prior to public hearing. The Board shall give additional notice required by law to all parties in interest and they may adjourn any hearing for the purpose of giving further notice.
- D. The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- E. The Board shall decide each appeal within 45 days and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Board may, in conformity with law, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination.
- F. Any person aggrieved by any decision of the Board or any administrative officer affected hereby may appeal therefrom within 30 days to the Court of Common Pleas as provided by law.

ARTICLE XV
Amendments

§ 262-67. Permitted changes.

Whenever public necessity, convenience or general welfare indicates, Borough Council may, by ordinance in accordance with applicable laws of the Municipal Code, amend, supplement

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

18. Editor's Note: Said illustration is on file in the Borough offices.

or change the regulations, restrictions, boundaries or classifications of buildings, structures and land, as the same are established by this chapter, or may hereafter be made a part thereof.

§ 262-68. Application or petitions.

Applications or petitions for any change of amendment to the existing zoning districts in the municipality shall be made to the office of the Zoning Officer and shall be accompanied by a fee as determined by Borough Council, payable to the Borough Secretary, and shall be deposited in the General Fund. This fee is for the purpose of defraying the costs of preparing the necessary plats, maps, data, legislation and notices and all official publications required by the municipality and shall not be refundable even though the application is disapproved by Borough Council.

§ 262-69. Amendment by Council.

The Borough Council may, from time to time on its own motion or petition and after public notice and hearing, amend the regulations and districts established therein. However, no amendment shall become effective unless the same shall have first been submitted to the Planning Commission for approval, and said Commission shall have been allowed a reasonable time for consideration and report. Furthermore, no amendment which has been disapproved by said Commission shall take effect unless subsequently passed by a two-thirds vote of Borough Council.

**ARTICLE XVI
Miscellaneous Provisions**

§ 262-70. Interpretation, purpose and conflict.

The interpretation and application of the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Borough. This chapter is not intended to interfere with or abrogate or annul other regulations, rules or ordinances of the municipality, provided that where this chapter imposes a greater restriction upon the use of building or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations or ordinances, the provision of this chapter shall prevail.

§ 262-71. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter or other regulation made under authority conferred hereby, the proper local authorities of the Borough, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§ 262-72. Violations and penalties.¹⁹

Any person or corporation who shall violate any of the provisions of this chapter or fail to comply with any of the requirements thereof, or who shall build any building in violation of any detailed statement or plan submitted or approved thereunder, shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof; and each day such violation shall be permitted to exist shall constitute a separate offense. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. The owner or owners of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each day be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. Whenever any person or corporation shall have been officially notified by the Zoning Officer or by service of a summons in a prosecution or in any other official manner, that he is committing a violation of this Ordinance; each day that he shall continue such violation after such notification shall constitute a separate offense punishable in like fine or penalty. Such fines or penalties shall be collected as the fines or penalties are now collected by law. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ZONING

262 Attachment 1

Borough of Linesville

Table 1
Summary of Lot and Area Requirements*

| Requirements | R-1 | R-2 | | C-1 | C-2 | | |
|--|---------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------------------------|---------------------------------|
| | | Two-Family | Multi-Family | | Individual Building | Plaza | I |
| Average minimum lot width at building line Minimum area per dwelling unit | 100 feet/ 12,000 square feet | 70 feet/ 4,500 square feet | 25 feet/ 2,000 square feet | 20 feet | 30 feet/ 5,000 square feet | 200 feet/ 20,000 square feet | 200 feet/ 40,000 square feet |
| Front yard – minimum depth | 25 feet | 25 feet | 25 feet | 0 feet | 25 feet | 25 feet | 25 feet |
| Side yard | | | | | | | |
| Total minimum width | 20 feet | 16 feet | 1/2 the height | None ¹ | None ¹ | None ¹ | 40 feet |
| Minimum – one side | 8 feet | 7 feet | 8 feet | None ¹ | None ¹ | None ¹ | 15 feet |
| Rear yard – minimum depth | | | | | | | |
| Principal structure | 50 feet | 40 feet | 40 feet | 30 feet ² | 30 feet ² | 30 feet ² | 40 feet |
| Accessory structure | 10 feet | 5 feet | 5 feet | 0 feet | 20 feet | 20 feet | 20 feet |
| Maximum height | 2-1/2 stories or 30 feet | 2-1/2 stories or 30 feet | 3 stories | Street to street 3 stories | 35 feet | 35 feet | 3 stories |
| Maximum lot coverage | | | | | | | |
| Principal structure, of total area | 30% | 30% | 30% | 100% | 50% | 50% | 50% |
| Accessory structure, of rear yard | 40% | 40% | 40% | 100% | 50% | 50% | 50% |

NOTES:

- ¹ Where adjoining a residential district, 20 feet.
- ² Where adjoining a residential district, 40 feet.
- * Refer to Article VIII.

