

**ZONING ORDINANCE**

**OF THE**

**CITY OF HAZLETON**

**LUZERNE COUNTY, PENNSYLVANIA**

**Adopted December 14, 1995**

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CITY OF HAZLETON  
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**ORDINANCE 95-26  
THE ZONING ORDINANCE OF THE CITY OF HAZLETON**

**PREAMBLE**

This Ordinance is adopted in order to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of the general welfare. These general goals include, among others, the specific purposes set forth in the statements of intent of the regulations for the respective districts.

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 1 TITLES, GENERAL INTENT, ESTABLISHMENT OF CONTROLS**

**1.1 Long Title**

REPEALING THE ZONING ORDINANCE OF THE CITY OF HAZLETON OF 1965 AS AMENDED, REPLACING SAID ORDINANCE WITH AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CONTINUING THE OFFICE OF ZONING OFFICER; CONTINUING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

**1.2 Short Title**

This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Hazleton, Luzerne County, Pennsylvania - 1995.

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### **1.3 Community Goals and Objectives**

The zoning regulations and districts set forth in this Ordinance are made in accordance with the goals, objectives and recommendations of the City of Hazleton Comprehensive Plan of 1992 with consideration for the character of the municipality, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City of Hazleton by lessening congestion in the roads and streets, by securing safety from fire and other danger, by providing adequate light and air, by preventing the overcrowding of the land, by avoiding undue concentration of population, by facilitating the adequate provision of transportation, water, sewage, schools, parks, police protection and other public requirements, as well as to conserve the value of land and buildings. The regulations were made with reasonable consideration, among other things, of the existing character of the various areas within the City and their respective suitability for particular uses.

### **1.4 Establishment of Controls**

#### **1.4.1 Minimum and Uniform Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations, except when the contrary is specifically noted and shall apply uniformly to each class or kind of structure of land.

#### **1.4.2 Controls Over New Uses and Structures**

In all districts, after the effective date of this Ordinance, any new building or other structure, or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for the district within which it is listed.

#### **1.4.3 Controls Over Existing Uses and Structures**

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed non-conforming and subject to the regulations of Article VI.

#### **1.4.4 Uses With Nuisance Effect**

In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor, creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property. Every reasonable effort must be made to prevent this effect through:

- a) Control of lighting.
- b) Design and maintenance of structures.
- c) Use of planting screens or attractive fences.
- d) Placement of structures on the site.
- e) Appropriate control of use.
- f) Prompt removal of trash or junk.

## **SECTION 2 ESTABLISHMENT OF DISTRICTS**

### **2.1 Types of Districts**

For the purposes of this Ordinance the City of Hazleton is hereby divided into nine districts, designated as follows:

#### **2.1.1 Residential Districts**

- R-1 Low-Density Residence District
- R-2 Medium-Density Residence District
- R-3 High-Density Residence District
- O-S Open Space District

#### **2.1.2 Commercial Districts**

- O Professional Office District
- CC Central Commercial District
- CH Commercial Highway District

#### **2.1.3 Industrial Districts**

- I-1 Light Industrial District
- I-2 General Industrial District

## **2.2 Districts of Annexed Area**

Any territory hereafter annexed by the City of Hazleton shall be considered to be zoned R-1, Low Density Residence District, until otherwise classified by action of City Council.

## **2.3 Lot Sizes**

Any lot hereafter created, as well as the open spaces reserved on it, must equal, or exceed, the minimum sizes prescribed by this Ordinance for the district in which the lot is located, unless otherwise specifically stipulated in the City of Hazleton Subdivision and Land Development Ordinance.

# **SECTION 3. THE ZONING MAP**

## **3.1 Adoption of Zoning Map**

The areas within the City of Hazleton assigned to each district and the location of boundaries for the districts established by this Ordinance are shown upon the Zoning Map, dated 9/96, which, together with all explanatory matter thereon, is declared to be a part of this Ordinance and shall be kept on file with the Council Clerk. Any change in boundaries of other matter included on the Zoning Map, shall be made on the Map promptly after amendment has been approved by City Council.

## **3.2 District Boundary Lines**

District boundary lines shall be as shown on the Zoning Map. Where uncertainty exists as to the boundaries of the zones as shown on the City of Hazleton Zoning Map, the following rules shall apply:

- a) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- e) Boundaries indicated as approximately following the centerline of streams, rivers or other bodies of water shall be construed to follow such centerline.
- f) Boundaries indicated as parallel to or extensions or features indicated in Sub-section (a) through (e) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-section (a) through (f), the Zoning Hearing Board shall interpret the district boundaries.

#### **SECTION 4. DEFINITIONS, INTERPRETATIONS OF REGULATIONS**

##### **4.1 Word Usage**

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

##### **4.2 Interpretation of Language**

For the purpose of this Ordinance, certain words shall have the meaning assigned to them, as follows:

- a) Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- b) The word "shall" is always mandatory.
- c) The word "building" includes "structure" and any part thereof.
- d) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
- e) The word "person" includes an individual, partnership, corporation, incorporated association or any other similar entity.
- f) The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like, kind and character.



## **4.2 Interpretation of Regulations**

The interpretation of the regulations of this Ordinance is intended, in addition to the provisions of Article I - Section 1.4.1 and Article IX - Section 4.2, to be such that, whenever its requirements are at variance with any other lawfully adopted rules, regulation, ordinances, deed restrictions or covenants which refer particularly to area and bulk regulations, and which impose higher standards, the most restrictive requirement shall govern.

## **4.4 Definitions**

The following words and phrases shall have the particular meaning assigned by this section, in the appropriate sections of this Ordinance.

**AREA LOT** - The total area within the lot lines.

**ACCESSORY BUILDING** - A subordinate building whose use is customarily incidental to that of a principal building, and which is used for an accessory use as defined herein, and, located on one lot with the principal building to which it is subordinate.

**ACCESSORY USE OR ACCESSORY** - An "accessory use" is: a use conducted on the same lot as a principal use to which it is related, and located either within the same structure or in an accessory structure or as an accessory use of land; except that off-street parking need not be located on the same lot.

Clearly incidental to, and customarily found in connection with a particular principal use, and either in the same ownership as such principal use or operated and maintained on one lot with such principal use for the express benefit of its owner, employees, customers or visitors. An accessory use includes:

- o Residential accommodations for caretakers of institutions and large commercial or industrial uses.
- o Keeping of domestic animals, but not for sale or hire.
- o Swimming pools whose use is restricted to the occupants of the principal use and guests for whom no admission or membership fee is charged.

- o Domestic or agricultural storage customarily found in barn, shed, tool room or similar structure.
- o Incinerators
- o In connection with commercial or manufacturing uses, as listed in Articles III and IV, the storage of goods normally carried in stock, used in, or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations.
- o The removal for sale or otherwise of loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same lot, or in connection with grading said lot, but in no case to a point below the legal street grade.
- o Accessory off-street parking spaces, open or enclosed.
- o Accessory off-street loading berths.
- o Accessory signs.
- o Accessory radio or television antennas.
- o Home occupation.

**ALLEY** - A public thoroughfare which normally affords only a secondary means of access to abutting property.

**ADVERTISING SIGN** - (See Sign, and Billboard).

**AIRPORT** - Any landing area, excluding heliports which are accessory to a principal commercial or industrial use, runway or other facility designated or used or intended to be used, either publicly or by any person or persons, for the landing and taking off of aircraft, fixed wing or non-fixed wing, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces within the airport boundaries.

**ALTERATIONS** - All incidental changes or replacements in the non-structural parts of a building or other structures, and, minor changes or replacements in the structural parts of a building or other structure, limited to the following examples and others of similar character or extent:

- o Alteration of interior partitions to improve livability in non-conforming residential buildings, provided no additional dwelling units are created thereby.
- o Alteration of interior partitions in all other types of buildings or other structures.
- o Making windows or doors in exterior walls.
- o Strengthening the load bearing capacity of a floor to permit accommodation of a specialized unit of machinery or equipment, but not over an area which exceeds ten percent of total floor area.

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

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

**AUTHORITY** - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945".

**AUTOMOTIVE WASHING FACILITIES** - Any premises used exclusively for the washing and/or cleaning of vehicles.

**BASEMENT** - A story partly underground which has at least one-half of its height above the average level of the adjoining 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 five (5) feet or if used for business or dwelling purposes, other than as storage or recreation room.

**BILLBOARD** - An off premises sign upon which advertising matter of any character is printed, posted or lettered. Such a sign may be either freestanding or attached to a surface of a building or other structure.

**BLOCK** - A tract of land bounded on three sides by any combination of the following:

- o Streets
- o Public Park
- o Railroad right-of-way, excluding siding and spurs
- o Corporate boundary lines of the City of Hazleton

**BOARDING HOUSE** - See Rooming House

**BUILDING** - Any structure having a roof supported by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

**BULK** - Bulk is the term used to describe the size of buildings or other structures and their relationship to one another, to open areas such as yards, and to lot lines. The term bulk, therefore, includes:

- o The size, including height and floor area, of building or other structure.
- o The relation of the number of dwelling units in a residential building to the area of the lot.
- o The relation of buildings and other structures to areas in open yards.

**CENTER LINE OF STREET** - (See Street, Center Line Of)

**CHILD-CARE CENTER** - A facility dedicated to the care of children during daylight hours.

**CITY** - Hazleton City, Luzerne County, PA.

**CODE ENFORCEMENT OFFICER** - Appointed by Mayor.

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

**COMPREHENSIVE PLAN** - The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of

1988, as amended, consisting of maps, charts, and textual materials, that constitutes a policy guide to decisions about the physical and social development of the City of Hazleton, adopted in 1992 and as amended from time to time.

**CONDITIONAL USE** - A use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within the Zoning Ordinance are present. Conditional uses are allowed or denied by the Planning Commission.

**CONVENIENCE STORE** - A Commercial facility for the sale of food and sundry items. The sale of gasoline and related products, and/or the repair of vehicles, requires a special exception to be granted by the Zoning Board.

**CORNER LOT** - A lot with two (2) adjacent sides abutting on streets which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

**COUNTY PLANNING COMMISSION** - The Luzerne County Planning Commission.

**CURB LEVEL** - The officially established elevation of the top of curb in front of the midpoint of the lot.

**DAY-CARE CENTER** - A facility dedicated to the housing and care of elderly persons.

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

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

**DOMICILIARY CARE UNIT** - (Personal Care) - See Day-Care Center.

**DRIVEWAY** - A minor vehicular right-of-way providing access between a street and a parking area, garage, or a structure within a lot or property. A driveway may also be used for short-term, temporary parking of vehicles.

**DWELLING** - A building or structure designed for living quarters for one or more families, including mobile homes, which are supported either by a foundation or by blocks or jacks covered by skirts or are otherwise permanently attached to the land and anchored against wind and water movement, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

- **Apartment** - A dwelling containing three (3) or more dwelling units which may be separated horizontally and/or vertically. The individual dwelling units may or may not be in separate ownership, however, the land shall be in single ownership or in common ownership.
- **Single-Family Detached** - A dwelling unit, not attached to any other dwelling unit, accommodating a single family and having two side yards.
- **Single-Family Semi-Detached** - Two dwelling units accommodating two families which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit.
- **Two-Family Detached** - Two dwelling units accommodating two families which are located one over the other and having two side yards.
- **Two-Family Semi-Detached** - Four dwelling units accommodating four families, two units of which are located directly over the other two units.
- **Townhouse - (Row Dwelling)** Three or more dwelling units, but not more than eight (8), accommodating three or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit. Each dwelling unit is generally two stories in height, but may conceivably be either one or three stories in height.

- **Garden Apartments** - Three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side by side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common walkway or stairwell.
- **Zero Lot Line Dwelling** - A single-family dwelling unit with no more than two exterior walls located on a lot line with no corresponding yard area; provided however, that single-family semi-detached defined, shall not be deemed to be zero lot line dwellings. Zero lot line dwellings may share up to two common walls with other zero lot line dwellings.

**DWELLING UNIT** - A "dwelling unit" consists of one or more rooms being 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.

**EASEMENT** - A right-of-way granted for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**ENLARGEMENT** - An "enlargement" is an addition to the floor area or an existing building, an increase in size of another structure, or an increase in that portion of a tract of land on existing use.

**FAMILY:**

- A single person occupying a dwelling unit and maintaining a household, or
- Two or more persons related by blood or marriage, occupying dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger, or
- Not more than five (5) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

**FLOOR AREA** - The sum of the gross area of the several floors of a building or buildings measured from the face of exterior walls or from centerlines of walls separating two buildings. In particular, floor area includes:

- Basement space, except such enclosure as does not have any windows on exterior walls.
- Elevator shafts, stairwells and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more.
- Roofed terraces, exterior balconies, breezeways or porches, provided that over 50 percent of the perimeter of these is enclosed.
- Any other floor space used for dwelling purposes, no matter where located within a building.
- Accessory buildings, excluding space used for accessory off-street parking or for loading berths.
- Any other floor space not specifically excluded, except space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

**FLOOR AREA RATIO** - "Floor Area Ratio" represents the total floor area allowable on a given lot, divided by the area of that lot. (For example, a building containing 15,000 sq. ft. of floor area on a given lot of 10,000 sq. ft. of lot area has floor area ratios of 1.5).

**FRONT YARD** - (See Yard)

**FRONT YARD LINE** - (See Yard Line)

**GARAGE, PUBLIC** - (See Parking Garage)

**GARAGE, PRIVATE** - An accessory to a principal building, either attached to it or separate, and used for storage purposes, and other personal uses of an owner, or tenant.

**GOVERNING BODY** - The City Council.



## **GROUP HOMES** -

**HEIGHT OF BUILDING** - The vertical distance measured from the average level of finished grade along all the exterior walls of a building to:

- The highest point of the roof, in the case of a flat roof;
- The mean height between eaves and ridge, in the case of a pitched roof; and
- The highest point on any structure which rises wholly or partly above the roof line, and whose area equals or exceeds 20 percent of the ground floor area of the building which supports it.

**HEIGHT OF SIGN** - The vertical distance measured:

- From ground level to the highest point on the sign itself and/or its supporting structure.
- Along the face of the sign or its supporting frame from lowest point to highest.

**HOME OCCUPATION** - An occupation in the home that is limited to the occupational activities of the resident, and

- Is clearly incidental or secondary to the residential use of the dwelling unit, or
- Is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit, except that, in connection with the practice of the medical profession or with other offices whose operations require supplementary secretarial, clerical, accounting or drafting skills, one person not residing in such dwelling may be employed.
- Occupies not more than 25 percent of the total floor area of such dwelling unit or 500 sq. ft. , whichever is less. In connection with the operation of a home occupation it shall not be permitted:
  - To sell articles produced elsewhere than on the premises.

- o To have interior displays of goods visible from the outside.
- o To store materials or products outside a principal or accessory building or other structure.
- o To make external alterations which are not customary in residential buildings.
- o To produce offensive and disturbing noise, smoke, odor or other objectionable effects.

Home occupations include:

Fine arts studios, photography, private instruction, clergy, physician, dentist, lawyer, engineer, accountant, architect, barber and beauty shop, dressmaking, steno service, consulting, or similar occupations, but excluding the following occupations or uses which shall include but are not limited to commercial stables or kennels, real estate or insurance offices, commercial merchandising or retail activities, and any occupation that may customarily require the use of a panel truck or a delivery truck or similar vehicle.

**HOTEL** - A building or part of a building in which living and sleeping accommodations are used primarily for transient occupancy and may be rented on a daily basis, and desk service is provided, in addition to one or more of the following services: maid, telephone, bellboy services, or the furnishing or laundering of linens.

- o A restaurant, cocktail lounge, public banquet hall, ballroom, or meeting room are permitted as an accessory use.

**LAND DEVELOPMENT** -

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- o A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

- o The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- o A subdivision of land.

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

**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 LINE, FRONT** - The street line separating the lot from the street, said line being lot front line as described in lot deeds.

**LOT LINE, REAR** - Any lot line, except a front lot line, which is parallel to, or within 45 degrees of being parallel to, and does not intersect and street line; when an alley exists, it coincides with the accepted boundary of such alley. In the case of a corner lot, the owner or developer may make a different designation. See definition of "corner lot" for requirements.

**LOT LINE, SIDE** - Any lot line which is not a front lot line or a rear lot line. In the case of a corner lot, the owner or developer may make a different designation. See definition of "corner Lot" for requirements.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINI-MART** - See Convenience Store.

**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, and constructed so that it may be used without a permanent foundation.

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

**MOBILE HOME PARK** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobile homes.

**MOTEL** - Building or a group of buildings which:

- o Contain living and sleeping accommodations used primarily for transient occupancy, and
- o Have individual entrances from outside the building to serve each such living or sleeping unit.

**MUNICIPAL AUTHORITY** - A body politic and corporate create pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945".

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

**MUNICIPALITY** - Any City of second Class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

**MULTI-FAMILY OR TWO-FAMILY CONVERSIONS** - A multi-family or two family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

**NONCONFORMITY** - A use, structure, lot or dimension in conflict with the regulations of this Ordinance.

- o Existing on the effective date of this Ordinance, or

- o Existing at any subsequent amendment of this Ordinance, or
- o Created by variance. Specifically, the following types of nonconformities are distinguished:

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

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

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

**OPEN SPACE** - Predominantly undeveloped land which should remain permanently open to serve public purpose.

**ORDINANCE** - Shall refer to individual Ordinances enacted by the City of Hazleton, Luzerne County.

**OWNER** - The owner of record of a parcel of land.

**PARKING GARAGE** - A building or structure provided for the general public designated for short-term temporary parking of vehicles. Vehicles shall be limited to currently registered and inspected vehicles.

**PARKING LOT** - A lot provided for the use of the general public designated for short-term temporary parking of vehicles. Vehicles shall be limited to currently registered and inspected vehicles.

**PARKING SPACE** - An open space with a dustless all-weather surface, or space in a private garage or other structure, or; an area of at least 9 x 18 feet in size, for the storage of one automobile, accessible from a public way.

**PLANS** - Drawings which show the location, character, and dimensions of the proposed occupancy and related roadway features, including layouts, profiles, cross-sections, drainage and other details as specified in the Hazleton Subdivision and Land Development Ordinance.

- **Final Plan** - A complete and exact subdivision and/or land development plan, including all supplementary data specified in the Subdivision and Land Development Ordinance.
- **Improvement Construction Plan** - A complete and exact subdivision and/or land development plan the sold purpose of which is to permit the construction of only those improvements required by the Subdivision and Land Development Ordinance, as an alternative to guaranteeing the completion of those improvements by a corporate bond or other surety.
- **Lot Add-On Plan** - A complete and exact subdivision plan including all supplementary data specified in the Subdivision and Land Development Ordinance.
- **Preliminary Plan** - A subdivision and/or land development plan including all required supplementary data specified in the Subdivision and Land Development Ordinance, showing approximate locations.
- **Record Plan** - A Final Plan which contains the original endorsement of the City and the Luzerne County Planning Commission, which is intended to be recorded with the Luzerne County Recorder of Deeds.
- **Sketch Plan** - A plan showing the tentative street traffic pattern and/or lot layout, to be used for informal discussion with the City staff prior to preparation of the preliminary and/or final plan(s).

**PLANNING AGENCY** - A planning commission, planning department, or a planning committee of the governing body.

**PLANNED INDUSTRIAL DEVELOPMENT** - An area of land controlled by a single landowner and developed as a single entity for a number of industrial firms, and planned and approved within the requirements of the Light Industrial District I-1.

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

**PRINCIPAL BUILDING OR STRUCTURE** - A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

**PRINCIPAL USE** - The primary use of a building, structure or lot.

**PROPERTY LINE** - A recorded boundary of a lot. However, any property line which abuts a "street" or other public or quasi-public way shall be measured from the right-of-way.

**PUBLIC GROUNDS**

- Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

**PUBLIC MEETING** - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

**PUBLIC NOTICE** - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice

shall state theme 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 seven days from the date of the hearing.

**PUBLIC SEWER** - A system of providing sanitary sewage collection and treatment which is owned and/or operated by a Municipal Governing Body and/or an Authority.

**PUBLIC USES** - Public and nonprofit semi-public use of a welfare and educational nature, such as schools, parks, churches, cemeteries, historical restorations, fire stations, municipal buildings, essential public utilities, nonprofit recreational facilities, and easements for alleys, streets and public utility right-of-ways. Private schools shall not be considered public uses, per se.

**PUBLIC WATER** - A system providing potable water which is owned and/or operated by a Municipal Governing Body and/or an Authority.

**REAR YARD** (See Yard)

**REAR YARD LINE** (See Yard Line)

**RIGHT-OF-WAY** - The total width of any land reserved or dedicated as a street, alley, pedestrian way, or for other public or private use.

**ROOMING HOUSE** - A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation. The term "Rooming House" includes the term "Boarding House".

**SERVICE STATION** - Land and structures used or designed to be used for the supply of fuel for motor vehicles and which may include facilities used or designed to be used for cleaning or servicing motor vehicles.

**SETBACK** - The required horizontal distance between a setback line and a property or street line.



- **Front** - The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called "front yard".
- **Rear** - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard".
- **Side** - The distance between the side lot line and the side setback line projected from the front setback line to the rear setback line. Commonly called "side yard".
- **Line** - A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

**SHOPPING CENTER, DESIGNED -**

- An area which is designed to accommodate retail trade and personal services within a single land holding in such a way as to provide combined parking facilities for the expected customers of the various stores, combined loading facilities for these stores pedestrian circulation near the stores and at the approaches to them and a single maintenance system.
- A shopping area where the stores do not necessarily face front on the street but rather grouped together to afford maximum proximity to each other, or
- Where more than six (6) stores are provided on the same lot.

**SIDE YARD - (See Yard)**

**SIDE YARD LINE - (See Yard Line)**

**SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are**

an integral part of another structure or flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

- o **Advertising Sign** - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.
- o **Business Sign** - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.
- o **Temporary Sign** - Temporary signs permitted by this Ordinance include signs that:
  - Offer premises for sale, rent, or development.
  - Advertise the services of building trades engaged in construction or alteration of the premises upon which the sign is located, or
  - Advertise a special event.

Temporary signs shall be removed upon occupation of premises, or within seven (7) calendar days after work has been completed or, closing has taken place, or the event advertised has taken place.

**SPECIAL EXCEPTION** - A use permitted in a particular zoning district pursuant to the provisions of Articles VII and VIII.

**STORY** - That portion of a building located between the surface of any floor, and the next floor above it; if there is not more than one floor, the space between any floor, and the ceiling next above it shall be considered a story.

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

**STREET CENTER LINE OF** - The center line of a street which is usually equidistant from both street lines.

**STREET LINE** - A boundary of a publicly used way as shown on the tax map, and a lot line separating a street from other land.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on in land or water, whether or not affixed to the land.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED** - Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the PA MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**TRAILER - SMALL UTILITY** - Any trailer usually drawn by a passenger auto used for the occasional transportation of personal effects.

**USE** - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

- **Accessory Use** - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
- **Principal Use** - The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

**VARIANCE** - Relief granted pursuant to the provisions of Articles VI and IX.

**YARD** - An open, unoccupied space, other than a courtyard, on the same lot with a building, unobstructed artificially from the ground to the sky.

- **Minimum Dimensions** - The least distance at any point, measured at grade from and parallel to a lot line to the building line.
- **Front** - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front of the building. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line or lot line, whichever is closer to the front line of the building. Porches or decks, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
- **Rear** - An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. Porches or decks, whether enclosed or unenclosed, shall be considered as part of the main building and may project to within 50 percent of the required rear-yard setback.

- **Side** - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. Porches or decks, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into the required side yards.

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

- **Front** - A "front yard line" bounds the front yard and is parallel to the front lot line.
- **Rear** - A "rear yard line" bounds the rear yard and is parallel to the rear lot line.
- **Side** - A "side yard line" bounds the side yard and is parallel to the side lot line.

**ZONING DISTRICT** - A geographic subdivision of and within the City of Hazleton as delineated on an Official Zoning Map for which the requirements of an Ordinance governing the uses, densities, yards, etc., are uniform herein.

**ZONING MAP** - The Master Zoning Map of the City of Hazleton as maintained in the City Office.

**ZONING OFFICER** - The person appointed by the Mayor, who is in charge with the administration and enforcement of the Zoning Ordinance.

**ZONING PERMIT** - A permit issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is located or is to be located.

**ARTICLE II  
RESIDENTIAL DISTRICTS**

**SECTION 1 - STATEMENT OF INTENT**

In addition to the general goals listed in the preamble and Article I established in this regulation are intended to achieve the following:

- a) To provide sufficient space, appropriately located, for residential development to meet the housing needs of the present and expected future populations of the City, within the range of house types anticipated.
- b) To assure light, air and privacy, as far as possible, by controlling the spacing and height of buildings and other structures.
- c) To protect residential areas against hazards of fires, offensive noise, vibration, smoke, odors, glare or other objectionable influences.
- d) To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings, and by providing for off-street parking.
- e) To protect residential neighborhoods, as far as possible, against heavy traffic or through traffic.
- f) To make possible provision of those public and private educational, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.
- g) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

## **SECTION 2 - R-1 -- LOW DENSITY RESIDENTIAL DISTRICT**

### **2.1 Purpose**

The R-1 Residential District is composed of low density residential areas of the City and open space where similar residential development is likely to occur. The purpose of this district is to permit residential development at a low density; to provide standards which will encourage the installation of public facilities and the preservation of permanent public open space; to exclude activities of a commercial or industrial nature, and any activities not compatible with residential development; and to otherwise create condition conducive to carrying out these and other broad purposes of this ordinance.

### **2.2 Permitted Uses and Use by Special Exception**

The chart on the following page refers to the permitted uses and uses by special exception in a R-1 District.

### **2.3 Accessory Uses**

Only the following accessory uses shall be permitted:

- a. Customary accessory uses in residential areas, but excluding home occupations except by special exception.

### **2.4 Public Utilities**

All uses in this District providing private or public restroom facilities will be served by public water and public sewage disposal.

### **2.5 Area and Bulk Requirements**

The chart on the following page refers to the minimum area and bulk requirements.

- o Lot width - Lot width refers to the minimum width at the building setback line, not at the right-of-way line. Refer to the

chart for minimum lot width for specific uses.

- **Yards** - Each corner lot shall have a minimum of a 35 foot front yard for each yard which abuts a street.
- **Lot Coverage** - Lot coverage refers to all buildings and structures on the lot including accessory structures, which include utility sheds, with the exception of swimming pools, sidewalks, ground-level patios, and ground-level driveways provided, however that said driveways and patios do not contain a permanent structure.
- **Height** - No building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required, to a maximum of 35 feet.



Use Number	R-1 Residential District PERMITTED USES	Front Yard	Rear Yard	Side Yard	Lot Size	Street Frontage	Building Height	% of Lot Coverage
<b>PERMITTED USES</b>								
1	SINGLE-FAMILY DETACHED DWELLING	30 FT	30 FT	10 FT	10,000 SQ FT (100 x 100)	75 FT	35 FT	35%
<b>SPECIAL EXCEPTIONS</b>								
2	PUBLIC PARKS, PLAYGROUNDS, AND COMMUNITY CENTERS	35 FT	75 FT	15 FT	1 ACRE	75 FT	35 FT	40%

## **SECTION 3 R-2 -- MEDIUM DENSITY RESIDENTIAL DISTRICT**

### **3.1 Purpose**

The purpose of the R-2 Residential District is to provide for the orderly extension and expansion of areas that offer residential neighborhood at a medium density; to carefully control the types of housing; to ensure compatibility with existing houses; to carefully protect the areas from uses that may not be fully compatible.

### **3.2 Permitted Uses and Use By Special Exception**

The chart on the following page refers to the permitted uses and uses by special exception in an R-2 District.

### **3.3 Accessory Uses**

Only the following accessory uses shall be permitted:

- a. Customary accessory uses in residential areas, excluding home occupations except by special exception.

### **3.4 Public Utilities**

All use intended for human use or occupancy must be served by public water and/or by a private water and sewer system which meets DER approval.

### **3.5 Area and Bulk Requirements**

The chart on the following page refers to the minimum area and bulk requirements.

- o **Lot width** - Lot width refers to the minimum width at the building setback line, not at the right-of-way line. Refer to the chart for minimum lot width for specific uses.
- o **Yards** - Each corner lot shall have a minimum of a 35 foot front yard for each yard which abuts a street.

Use Number	R-2 Residential District Permitted Uses	Front Yard	Rear Yard	Side Yard	Lot Size	Street Frontage	Building Height	% of Lot Coverage
		MINIMUM				MAXIMUM		
<b>PERMITTED USES</b>								
1	SINGLE FAMILY DETACHED DWELLING	15 FT	25 FT	10 FT	7,000 SQ FT	60 FT	35 FT	40%
2	SINGLE FAMILY SEMI-DETACHED DWELLING (DUPLEX)	15 FT	25 FT	10 FT ON EACH END	6,500 SQ FT	30 FT/ DWELLING UNIT	35 FT	40%
3	SINGLE FAMILY ATTACHED DWELLING (NOT EXCEEDING EIGHT UNITS)	15 FT	25 FT	10 FT ON EACH END	3,000 SQ FT PER UNIT	30 FT/ DWELLING UNIT	35 FT	40%
4	GROUP HOMES	15 FT	25 FT	10 FT	6500 SQ FT	30/D.U.	35 FT	40%
5	TWO FAMILY DETACHED	15 FT	25 FT	10 FT	6,500 SQ FT	60 FT	35 FT	40%
6	TWO FAMILY SEMI-DETACHED	15 FT	25 FT	10 FT ON EACH END	6,500 SQ FT	60 FT	35 FT	40%
7	PUBLIC & PAROCHIAL SCHOOL	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
8	LIBRARY	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
<b>SPECIAL EXCEPTIONS</b>								
1	HOUSE OF WORSHIP	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
2	PUBLIC PARKS, PLAYGROUND & COMMUNITY CENTERS	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
3	CHILD DAY CARE CENTER AND CHILD DAY CARE HOME	30 FT	75 FT	15 FT	20,000	75 FT	35 FT	40%
4	MEDICAL CENTER	35 FT	75 FT	15 FT	1 ACRE	75 FT	35 FT	40%
5	DOMICILIARY CARE UNIT	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
6	CEMETERY	50 FT	50 FT	50 FT	2.5 ACRES	100 FT	35 FT	40%
7	PUBLIC BUILDINGS	30 FT	75 FT	15 FT	20,000 SQ FT	100 FT	35 FT	40%
8	HOME OCCUPATION	15 FT	25 FT	10 FT	6,500 SQ FT	30 FT	35 FT	40%
9	GARDEN APARTMENT	15 FT	25 FT	10 FT	2,900 PER UNIT	100 FT	35 FT	40%
10	HOSPITAL OR SKILL NURSING UNIT	35 FT	75 FT	15 FT	1 ACRE	200 FT	35 FT	40%
11	MEMBERSHIP CLUB OR LODGE	35 FT	75 FT	15 FT	30,000 SQ FT	100 FT	35 FT	40%
12	PUBLIC UTILITY USE	15 FT	25 FT	10 FT	5,000 SQ FT	60 FT	35 FT	40%
13	RETIREMENT VILLAGE	50 FT	50 FT	50 FT	5 ACRES	100 FT	35 FT	40%
14	BED AND BREAKFAST	15 FT	25 FT	10 FT	7,000 SQ FT	60 FT	35 FT	40%

- o **Lot Coverage** - Lot coverage refers to all buildings and structures on the lot including accessory structures, which include utility sheds, with the exception of swimming pools, sidewalks, ground-level patios, and ground-level driveways provided, however, that said driveways and patios do not contain a permanent structure.
- o **Height** - No building shall be erected to a height in excess of 30 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required, to a maximum of 35 feet.

#### **SECTION 4. R-3 – HIGH DENSITY RESIDENTIAL DISTRICT**

##### **4.1 Purpose**

The purpose of the R-3 Residential District is to recognize the older and denser residential sections of the City; to provide a variety of housing types at higher densities; to make sure that the varied housing types are compatible with the existing housing; to work to encourage affordable housing, especially for young families and senior citizens; to make sure that they City's street system, community facilities and services are fully able to handle moderately dense growth; to exclude activities which are not compatible with residential development.

##### **4.2 Permitted Uses and Use by Special Exception**

The chart on the following page refers to the minimum area and bulk requirements.

##### **4.3 Accessory Uses**

Only the following accessory uses shall be permitted:

- a. Customary accessory uses in residential areas, including home occupations.

#### **4.4 Area and Bulk Requirements**

**The chart on the following page refers to the minimum area and bulk requirements.**

Use Number	R-3 Residential District Permitted Uses	Front Yard	Rear Yard	Side Yard	Lot Size	MINIMUM		% of L Coverage
						Street Frontage	Building Height	
<b>PERMITTED USES</b>								
1	SINGLE-FAMILY DETACHED DWELLING	15 FT	20 FT	10 FT	6,400 SQ FT	50 FT	35 FT	40%
2	SINGLE-FAMILY SEMI-DETACHED DWELLING	15 FT	20 FT	10 FT	4,000 SQ FT PER DWELLING UNIT	32 FT PER DWELLING UNIT	35 FT	40%
3	SINGLE-FAMILY ATTACHED	15 FT	20 FT	10 FT	4,000 SQ FT PER DWELLING UNIT	32 FT PER DWELLING UNIT	35 FT	40%
4	TWO-FAMILY DETACHED	15 FT	20 FT	10 FT	6,400 SQ FT PER DWELLING UNIT	50 FT	35 FT	40%
5	TWO-FAMILY SEMI-DETACHED	15 FT	20 FT	10 FT	4,000 SQ FT PER DWELLING UNIT	50 FT	35 FT	40%
6	GARDEN APARTMENTS	30 FT	30 FT	15 FT	16,000 SQ FT MAXIMUM OF 15 UNIT/ACRE	75 FT	35 FT	40%
7	APARTMENT HOUSE	15 FT	20 FT	10 FT	16,000 SQ FT	50 FT	35 FT	40%
8	PUBLIC OR PAROCHIAL SCHOOL	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
9	LIBRARY	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
<b>PERMITTED LARGE PERMIT USES</b>								
1	PUBLIC PARKS, PLAYGROUND, AND COMMUNITY CENTERS	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
2	CHILD DAYCARE CENTER AND CHILD DAYCARE HOME	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
3	HOUSE OF WORSHIP	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
4	ROOMING HOUSE	35 FT	75 FT	15 FT	1 ACRE	100 FT	35 FT	40%
5	DOMICILIARY-CARE UNIT; PERSONAL-CARE HOME	30 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	40%
6	MEDICAL CENTER	50 FT	75 FT	15 FT	1 ACRE	75 FT	35 FT	40%
7	CEMETERY	50 FT	50 FT	50 FT	2.5 ACRES	100 FT	35 FT	40%
8	HOSPITAL OR SKILLED-NURSING HOME	35 FT	75 FT	15 FT	1 ACRE	200 FT	35 FT	40%
9	MEMBERSHIP CLUB OR LODGE	35 FT	75 FT	15 FT	30,000 SQ FT	100 FT	35 FT	40%
10	PUBLIC UTILITY BUILDING	15 FT	25 FT	10 FT	5,000 SQ FT	60 FT	35 FT	40%
11	HOME OCCUPATION	15 FT	20 FT	10 FT	4,500 SQ FT	30 FT	35 FT	40%
12	BED AND BREAKFAST	15 FT	2-0 FT	10 FT	6,400 SQ FT	50 FT	35 FT	40%
13	GROUP HOME	15 FT	20 FT	10 FT	4,500 SQ FT	50 FT	35 FT	40%
14	RETIREMENT VILLAGE	50 FT	50 FT	50 FT	5 ACRES	100 FT	35 FT	40%

- **Lot width** - Lot width refers to the minimum width at the building setback line, not at the right-of-way line. Refer to the chart for minimum lot width for specific uses.
- **Yards** - Each corner lot shall have a minimum of a 35 foot front yard for each yard which abuts a street.
- **Lot Coverage** - Lot coverage refers to all buildings and structures on the lot including accessory structures, which include utility sheds, with the exception of swimming pools, sidewalks, ground-level patios, and ground-level driveways provided, however, that said driveways and patios do not contain a permanent structure.
- **Height** - No building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required, to a maximum of 35 feet.

## **SECTION 5 O-S -- OPEN SPACE DISTRICT**

### **5.1 Purpose**

The purpose of the O-S Open Space District is to reserve or conserve undeveloped land for recreational and conservation purposes and to discourage the scattering of commercial, industrial, residential and other urban type uses throughout predominately forested areas, areas with steep slopes and/or rural areas of the City where public services are neither presently available nor anticipated in the immediate future; to provide for the regulation of housing density in such areas; to encourage the preservation of natural amenities; to protect watershed areas, natural drainage channels, and water courses; and to otherwise create conditions conducive to carrying out the purpose of this Ordinance.

### **5.2 Permitted Uses and Uses by Special Exception**

The chart on the following page refers to the permitted and special

exception uses in a Q-S District.

### **5.3 Area and Bulk Requirements**

The chart on the following page refers to the minimum area and bulk requirements.



Use Number	O-S Open-Space District PERMITTED USES	Front Yard	Rear Yard	Side Yard	Maximum Building Height	Minimum Habitable Floor Area	Maximum % of Lot Coverage	Public Water And Public Sewer Minimum		Public Water or Public Sewer Minimum		No Public Water or Public Sewer Minimum	
								Lot Size	Street Frontage	Lot Size	Street Frontage	Lot Size	Street Frontage

Minimum

**PERMITTED USES**

1	SINGLE-FAMILY DETACHED DWELLING	40 FT	40 FT	20 FT	35 FT	900 SQ FT	5%	1 acre	125 FT	2 acres	135 FT	2 acres	135 FT
2	PUBLIC PARKS AND PLAYGROUNDS	40 FT	40 FT	20 FT	35 FT		5%	5 acres	175 FT	5 acres	175 FT	5 acres	175 FT

**SPECIAL EXCEPTIONS**

1	RECREATIONAL CABINS, TENTS, SHELTERS, DAY CAMPS	40 FT	40 FT	20 FT	35 FT		5%	5 acres	175 FT	5 acres	175 FT	5 acres	175 FT
2	CAMPGROUND	100 FT	50 FT	50 FT	35 FT			5 acres	175 FT	5 acres	175 FT	5 acres	175 FT

- **Lot width** - Minimum of 150 feet at the setback line and 150 feet at the right-of-way line. Lot width requirements on the following chart which are greater than 150 feet refer to both the minimum street frontage at the right-of-way line and the lot width at the building setback line.
- **Yards** - Each corner lot shall have a minimum of a 40 foot front yard for each yard which abuts a street.
- **Lot Coverage** - Lot coverage refers to all buildings and structures on the lot including accessory structures, which include utility sheds, with the exception of swimming pools, sidewalks, ground-level patios, and ground-level driveways provided, however, that said driveways and patios do not contain a permanent structure.
- **Height** - No building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required, to a maximum of 35 feet.

**ARTICLE III  
OFFICE AND COMMERCIAL DISTRICTS**

**SECTION 1 STATEMENT OF INTENT**

In addition to the general goals listed in the preamble and Article I, the Districts established in this Regulations are intended to achieve the following:

- a. To provide sufficient space in appropriate locations for all types of commercial and service activities anticipated.
- b. To protect commercial development against intrusive uses which are incompatible with it and against objectionable influences such as noise or glare and from hazards of fire.
- c. To protect both commercial development and nearby residential areas against congestion by regulating the intensity of neighborhood retail development and by providing for off-street parking and loading facilities.
- d. To provide appropriate space, and in particular sufficient depth for the requirements of present-day merchandising, including the provision of off-street parking space in areas to which large numbers of shoppers come by automobile and to encourage the natural tendency of neighborhood development to concentrate in uninterrupted retail frontage, to the mutual advantage of both consumer and merchants.
- e. To promote the most desirable use of land and direct building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of the City to protect the character of commercial districts and the peculiar suitability of particular areas for particular uses, to conserve the value of land and buildings and to protect the City's tax revenues.

## **SECTION 2 O -- PROFESSIONAL OFFICE AND COMMERCIAL OFFICE DISTRICT**

### **2.1 Purpose**

It is the purpose and intent of this Article to provide reasonable standards for the harmonious development of business and professional offices, and other uses and accessory uses; regulate the density of population; provide for the public convenience and avoid undue congestion in the streets; and to otherwise create conditions conducive to carrying out these and the other broad purposes of this Ordinance.

### **2.2 Procedural Requirements**

Development in the O District shall be subject to the provisions and requirements for land developments as delineated in the City of Hazleton Subdivision and Land Development Ordinance regardless of the number of lots subdivided.

### **2.3 Permitted Uses and Uses by Special Exception**

The following chart refers to the permitted and special exception uses in an O District.

### **2.4 Accessory Uses**

Only the following accessory uses shall be permitted:

- a. Customary accessory uses in office districts.

### **2.5 Area and Bulk Requirements**

The chart on the following page refers to the minimum area and bulk requirements.

- o **Lot Width** - The lot width shall be the minimum as defined on the chart for permitted uses in O District. The street frontage pertains to the minimum required at the right-of-way line and building setback.

- o **Yards - The yards shall be those as required in the chart for permitted uses in an O District. A corner lot shall have a minimum of a 35 foot yard for each yard which abut a street.**
- o **Interior Yards - (Open space between buildings) shall be provided as follows:**
  - a. **When front to front, rear to rear, or front to rear, parallel buildings shall have fifty (50) feet between faces for one story in height, plus five (5) feet for each additional story. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end. Where service drives or bank grade changes or collector walks are introduced in this space, the yard distance shall be at least twenty-five (25) feet.**

Use Number	O - Professional Office District Permitted Uses	Front Yard	Rear Yard	Side Yard	Lot Size	Street Frontage	Building Height	% of Lot Coverage
		MINIMUM				MAXIMUM		
<b>PERMITTED USES</b>								
1	BUSINESS SERVICE	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
2	MEDICAL AND SIMILAR LABORATORIES AND CLINICS	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
3	BUSINESS AND OFFICE MACHINE REPAIR, SALES & SERVICES	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
4	REPRODUCTION, ART, PHOTOGRAPHY AND STENOGRAPHIC SERVICES	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
5	ADVERTISING AGENCIES	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
6	EMPLOYMENT AGENCIES	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
7	LEGAL SERVICES	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
8	MORTUARY OR UNDERTAKING ESTABLISHMENTS	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
9	HOUSE OF WORSHIP	35 FT	75 FT	15 FT	20,000 SQ FT	75 FT	35 FT	50%
<b>SPECIAL EXCEPTIONS</b>								
1	ACCESSORY COMMERCIAL USES							
2	PUBLIC UTILITY BUILDINGS	35 FT	30 FT	15 FT	15,000 SQ FT	75 FT	35 FT	75%
3	RETIREMENT VILLAGE	50 FT	50 FT	50 FT	5 ACRES	100 FT	35 FT	35%

**Reserved for Chart on P. 34 of Zoning Ordinance  
(Page 229 in Zoning Book)  
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- b. Between end walls of buildings a yard space of twenty-five (25) feet for each one-story building, plus five (5) feet for each additional story, shall be required.**
- o Bufferyards - Where non-residential uses are planned adjacent to Residential or Open Space Districts, landscaping and bufferyards shall be provided in accordance with Article V, Section 2.12 of this Ordinance.**
- o Lot Coverage - Lot coverage refers to all buildings on the lot including all accessory structures such as utility sheds, patios, swimming pools, tennis courts, parking lots and driveways. For all permitted uses the principal accessory buildings shall not cover more than 50%. The remaining permitted coverage shall include parking lots, driveways, etc. and shall be less than or equivalent to the maximum permissible lot coverage. A minimum of 25% of the lot area shall be landscaped with grass, trees and shrubbery.**
- o Height - No building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased by one foot for each additional foot that the width of each yard exceeds the minimum required.**
- o Off-Street Parking - Parking space, off-street, shall meet regulations as set forth in Article V, Section 2.9 and 2.10 herein.**
- o Streets**
  - a. Plans for streets, drives, service access, parking and walks and all such facilities shall be reviewed and approved and all such facilities shall be designed and installed in the manner prescribed by the City Subdivision and Land Development Ordinance for dedication, and amendments thereto, regardless of whether they are to be presented to the City for dedication or not.**



- b. **Suitable access for fire fighting equipment, refuse collection, and where necessary, snow removal, shall be provided.**

### **SECTION 3 CC -- CENTRAL COMMERCIAL OFFICE DISTRICT**

#### **3.1 Purpose**

**The purpose of the CC -- Central commercial Office District is to provide for a commercial and commercial/residential mix in the downtown; avoid commercial uses incompatible with pedestrian environment; to minimize traffic congestion on the streets, provide for public conveniences, and fulfill the other broad purposes of the Ordinance.**

#### **3.2 Procedural Requirements**

**Development in the CC -- Commercial District shall be subject to the provisions and requirements for land developments as delineated in the Hazleton Subdivision and Land Development Ordinances regardless of the number of lots subdivided.**

#### **3.3 Permitted Uses**

**In the CC District, land or buildings may be used by right for only the following uses:**

- o **Retail sales of good or groceries**
- o **Business or personal services, including hair cutting and styling**
- o **Financial institutions**
- o **Offices**
- o **Community service facilities including libraries, community recreation centers, and post offices**

- **Business machine shops, sales, and services**
- **Movie or performing arts theater**
- **Custom printing and copying, not including printing of an industrial scale**
- **Professional studio**
- **Standard or fast-food restaurant**
- **Exercise club**
- **Dance, photography, artisan, or craft studio**
- **House of Worship**
- **Private Schools, including trade schools**
- **Parking lots or garages**

### **3.4 Accessory Uses**

**Only the following accessory uses shall be permitted:**

- **Accessory buildings and uses customarily incidental to and associated with permitted uses.**

### **3.5 Use By Special Exception**

**The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:**

- **Public utility uses**
- **Apartments (see "Apartments Located in a Commercial District" in Section 82.2)**

- Taverns
- Transportation (passenger) terminal
- Membership club or lodge
- Video arcade
- Service station (automobile)
- Hotels and Motels
- Rooming house
- Child day care center

### **3.6 Specifically Prohibited Uses**

- Adult bookstore, adult movie theater or cabaret
- Auto, boat, or mobile/manufactured home sales
- Vehicle washing facility

### **3.7 Area and Bulk Regulations**

- **Lot Area** - A lot area not less than four thousand five hundred (4,500) square feet shall be provided.
- **Lot Width** - Minimum of 20 feet at the building setback line.
- **Coverage** - No maximum coverage.
- **Yards** - Yards of the following minimum depth and widths shall provide:
  - a. **Front yard setback** - ten (10) feet

- b. Side yard setback - five (5) feet
- c. Rear yard setback - ten (10) feet
- o Height - No building shall be erected to a height in excess of 45 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required.
- o Bufferyards - Landscaping and bufferyards must be provided in accordance with the Subdivision and Land Development Ordinance.

### **3.8 Parking and Loading**

Because minimum parking requirements for most uses in the C-C Business District are provided by municipal public parking, off-street parking is not required for any permitted use except the following:

1. Hotel, motel, or boarding houses;
2. Dwelling units; and
3. Buildings involving more than 15,000 square feet of total floor area, not including areas intended for the parking and movement of vehicles.

Parking for a hotel, motel, boarding house, dwelling units, or buildings involving more than 15,000 square feet of total floor area shall be provided as required in Article V, Section 2.9 of this Ordinance.

Loading and Unloading - No use shall be permitted in the CO District that would require severe and substantial obstruction of traffic on public streets for loading and unloading. This shall not include routine deliveries to retail sales, personal service, and similar uses.

No new off-street parking shall be permitted within 20 feet of the existing right-of-way of an arterial street, except as part of a multi-level parking garage.

## **SECTION 4 CH -- COMMERCIAL HIGHWAY DISTRICT**

### **4.1 Purpose**

The purpose of the C-H Commercial Highway District is to provide reasonable standards for the provision of Highway oriented commercial uses along the roadside in areas where a nucleus of such uses already exists and where, due to the character of undeveloped land, the designation of highway commercial uses is feasible. The standards of this district are designed to minimize the access roads from major thoroughfares, to minimize traffic congestion and to provide bufferyards and screen planting where such uses adjoin differing land use types.

### **4.2 Procedural Requirements**

Development in the C-H District shall be subject to the provisions and requirements for land developments as delineated in the Hazleton City Subdivision and Land Development Ordinance.

### **4.3 Permitted Uses**

- Gasoline service stations and car washes
- Automobile/vehicle service and repair areas, sales and installation of parts, accessories and replacement equipment
- Automobile or trailer sales when the lot is improved with an automobile or trailer display building having not less than 1600 square feet devoted exclusively to the display of automobiles or trailers
- Business services
- Department stores
- Hotels, motels, and convention centers

- Houses of worship
- Mortuary or undertaking establishments
- Nursing or convalescent homes
- Personal service shops, such as barber shops, beauty shops, health clubs
- Private schools, including child day care centers
- Railway or bus passenger and taxi stations
- Retail businesses, such as variety stores, apparel stores, drug stores, grocery and supermarkets, liquor stores, antique shops, gift shops, flea markets, auction halls, mini markets, excluding the sale of gasoline, music shops, book and stationary, magazine stands, candy and tobacco shops.
- Retail establishments primarily dependent upon drive-in or in-car services
- Restaurants, tearooms, cafes, drive-in and fast food restaurants
- Shopping center, shopping plaza or mall
- Specialty shops such as baking, confectionery, dressmaking, dyeing, laundry, shoe repair, printing and copying services, tailoring and similar shops and services
- Mobile home sales when the lot is improved with a building containing an office, display room and appurtenant facilities having an area of not less than 1000 square feet

#### **4.4 Accessory Uses**

Only the following accessory uses shall be permitted:

- a. **Accessory buildings and uses customarily incidental to and associated with permitted uses.**

#### **4.5 Use By Special Exception**

- o **Mobile home parks**
- o **Kennels and Animal Hospitals**
- o **Public utility use**

#### **4.6 Area And Bulk Regulations**

- o **Lot Area - A lot area not less than twenty thousand (20,000) square feet shall be provided.**
- o **Lot Width - Minimum of 80 feet at the street right-of-way line and 100 feet at the setback line.**
- o **Coverage - The principal and accessory buildings on any lot shall not cover more than 50% of the area of such lot. Not less than 15% of the lot shall be landscaped with a vegetative material. This landscaping shall include shrubs, ornamental trees and shade trees to be placed to enhance the appearance of the building and parking area. The 15% landscaping shall be a minimum requirement and shall not be included as any required buffer area.**
- o **Yards - Yards of the following minimum depth and widths shall be provided; however, no case shall yard depth be less than 60% of the right-of-way of the street on which they abut. No merchandise, including cars and vehicles for sale or display shall be placed in any yard.**
  - a. **Front yard depth - thirty (30) feet.**
  - b. **Side yard width - ten (10) feet, excepting that no side yard shall be required when two or more commercial uses adjoin side to side provided that mutual agreement**

in writing by the two or more adjoining property owners is recorded at the Recorders Office of Luzerne County; and provided that there is a vehicular access of at least twenty (20) feet in width through an open and unobstructed passage at grade level at intervals not more than four hundred (400) feet apart from a street to all yards of the lot.

- c. Rear yard depth - thirty (30) feet.
- d. Landscaping and bufferyards shall be provided in accordance with Article V, Section 2.12 of this Ordinance. Such bufferyards may be coterminous with any required yard in this District, and in case of conflict, the larger yard requirements shall apply.
  - o Height - No building shall be erected to a height in excess of 35 feet; provided, however, that this height may be increased by 1 foot for each additional foot that the width of each yard exceeds the minimum required.

#### **4.7 Off-Street Parking and Loading Space**

Off-street parking and loading space, pedestrian walkways, and motor vehicle access shall be provided in accordance with Article V, Section 2.9 and Section 2.10 of this Ordinance. No storage, loading, unloading spaces shall project into any required yard space, nor shall merchandise or vehicles be displayed in any yard area.



**ARTICLE IV  
INDUSTRIAL DISTRICTS**

**SECTION 1 STATEMENT OF INTENT**

In addition to the general goals listed in the preamble and Article I, the districts established in this regulation are intended to achieve the following:

- a. To provide sufficient space, in appropriate locations, to meet the City's anticipated future needs for industry and related activity, with due allowance for the need for a range of choice of sites.
- b. To provide, as far as possible, that land most suitable for industry and related activities will be available to them by prohibiting the use of such land by new residential development, and at the same time, to protect residences by separating them from manufacturing activities.
- c. To encourage industrial development which is free from hazards of fire, offensive noise, vibration, smoke, odors, glare or other objectionable effects.
- d. To protect industry and related development against congestion, as far as is possible and appropriate to each district, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing the off-street parking and loading facilities such development requires.
- e. To promote the most desirable use of land and direction of building development in accord with a well-considered plan to promote stable industry and related development, to strengthen the economic base of the City, to protect the character of particular industrial areas and their peculiar suitability to particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

## **SECTION 2 I-1 LIGHT INDUSTRIAL DISTRICT**

### **2.1 Purpose**

The Industrial District is hereby established as a district in which the regulations are intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the City, and otherwise further the purposes of this Ordinance as set forth in Article I. In promoting these and the general purposes of the Zoning Ordinances, the specific intent of this Article is:

- (1) To encourage the construction of and continued use of the land for industrial purposes;
- (2) To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the District;
- (3) To establish reasonable standards for buildings and other structures, the areas and dimension of yards and other open spaces, and the provision of facilities and operations of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.

### **2.2 Procedural Requirements**

Development in the I-1 District shall be subject to provisions and requirements for land developments as delineated in the City of Hazleton Subdivision and Land Development Ordinance.

### **2.3 Planned Industrial Development**

This District requires all uses in the I-1 zone to be developed within a "Planned Industrial Development" except as described in Article IV - Section 2.4. A planned industrial development proposal shall be reviewed by the Planning Commission who shall provide advice to the Zoning Hearing Board. The City Council may provide advice to the Zoning Hearing Board. The

**Zoning Hearing Board shall then approve, disapprove, or conditionally approve the application.**

**A Planned Industrial Development shall consist of the following:**

- (a) Development Tract Area - Ten (10) acres minimum.**
- (b) Lot size within the development shall be a minimum of 2 acres and a minimum width of 200 feet.**
- (c) All buildings must be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line.**
- (d) Landscaping and bufferyards shall be provided in accordance with the Hazleton subdivision and Land Development Ordinance.**
- (e) Access shall be via an arterial street or collector street as designated by the City Comprehensive Plan. Traffic routes and exists shall be far enough from houses so that truck noise and vibration will be minimized.**
- (f) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).**
- (g) Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, enclosure or principal and accessory uses, height control, sign control, building coverage, and architectural controls.**
- (h) The standards in Section 2.21 of Article V shall be provided and evaluated in the approval process for Planned Industrial Developments.**

#### **2.4 Small Lot Exceptions**

**A lawfully existing lot of less than ten acres that was a lot of record prior to**

**the adoption of this Ordinance, the following uses may be developed as permitted by right outside of an approved planned industrial development:**

- **Health club**
- **Offices**
- **Veterinary hospital**
- **Public utility**
- **Emergency services station**
- **Plant nursery**
- **Financial institution, with or without drive-thru service**
- **Membership club or lodge**
- **Public or private recreational area**

## **2.5 Permitted Uses**

**The following uses are permitted by right in a planned industrial development in the I-1 Light Manufacturing District:**

- **Offices and administrative activities**
- **Health clubs**
- **Recycling collection center**
- **Plant nursery**
- **Commercial communications tower**
- **Industrial laundries**

- **Financial institutions, with or without drive-through service**
- **Wholesale sales**
- **Research, engineering, or testing laboratory**
- **Testing and repair of manufactured products**
- **Industrial storage as an accessory use**
- **Industrial outdoor storage as an accessory use**
- **Manufacture and assembly of microelectronic components**
- **Building contractor's headquarters and storage**
- **Photofinishing labs**
- **Packaging and bottling operations, with or without on-lot retail sales**
- **Manufacture and assembly of electrical and electronic machines, supplies, and equipment, finishing, grinding, polishing, stamping, or heat treating of products**
- **Manufacture of textiles; apparel, shoes, and apparel accessories**
- **Manufacture of food products (but not including a slaughterhouse, meat packing plant, stockyard, animal husbandry, or animal feed mill)**
- **Crystal manufacture and testing**
- **Welding**

- **Sales and rental of industrial equipment, other than vehicles primarily intended for use on public streets**
- **Manufacture of transportation equipment**
- **Manufacture of manufactured or modular housing**
- **Manufacture of paper and cardboard products (but not including paper mills)**
- **Manufacture of glass and glass products**
- **Finishing of previously prepared resin, vinyl, polymer, plastic, or rubber products**
- **Manufacture of leather, clay and pottery products**
- **Warehousing, storage, and distribution**
- **Manufacture of fabricated metal and/or plastic products (except ammunition or explosives)**
- **Manufacture of pharmaceutical**
- **Retail sales or personal services uses, provided that not more than five percent of the total floor area of any building is used for the total of such uses**
- **Building materials sales**
- **Manufacture of natural and/or synthetic rubber products**
- **Child Day Care centers**

## **2.6 Prohibited Uses**

No structure or portion thereof shall be hereafter erected, structurally altered or converted for any of the following purposes:

- o Manufacturing of gunpowder, fireworks, rockets, projectiles or similar explosives excepting the manufacturing of component parts thereof which have not been assembled shall be permitted. No quantity of explosives in excess of 1000 pounds shall be stored or used at any one property.
- o Tanning or storage of hides, stockyards and similar uses are prohibited.
- o The disposal of hazardous waste as defined in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, as amended, supplemented or revised.

## **2.7 Accessory Uses**

Only the following accessory uses shall be permitted:

- o Customary accessory and incidental uses related to permitted uses.
- o Restaurant, day care, or cafeteria facilities for employees use only and their immediate family.
- o Medical facilities for employees.
- o Fire apparatus and emergency equipment areas.

## **2.8 Use By Special Exception**

- o Public utility uses

## **2.9 Area And Bulk Regulations**

- **Minimum Tract Size** - A tract not less than ten (10) acres for a Planned Industrial Development.
- **Lot Area** - A lot not less than 43,560 square feet or 1 acre shall be provided for uses permitted outside a planned industrial development, unless a large lot is required by Section 42.8 or Article VIII for a specific use.
- **Lot Width** - Minimum of one hundred (100) feet at the street right-of-way line and the setback line for uses permitted outside a planned industrial development.
- **Coverage** - The principal and accessory buildings, storage yards, off-street parking lots, loading and unloading docks, shall not project into the required yard spaces as set forth below. All open space other than the parking and loading spaces and access drives shall be covered with a vegetative material. Maximum coverage shall not be in excess of 75% of the lot area.
- **Yards** - Yards of the following minimum depths and widths shall be provided for uses permitted outside a planned industrial development. However, in no case shall the front, side or rear yard depths be less than sixty (60) percent of the legal right-of-way of the street or streets on which the lot abuts.
  - **Front yard depth** - thirty (30) feet;
  - **Side yard width** - thirty (30) feet;
  - **Rear yard depth** - thirty (30) feet.
- **Landscaping and buffer yards** shall be provided in accordance with Article V, Section 2.20 of this Ordinance. Such buffer yards may be coterminous with any required yard in this District, and in case of conflict, the larger yard requirements shall apply.



- o **Building Height:** Forty (40) feet maximum. (This may be increased one foot for each additional foot that the widths of both side yards and [not or] the depth of the rear and front yard exceeds the minimum requirements up to a maximum of 60 feet in height.)

## **2.10 Off-Street Parking And Loading Zones**

Adequate off-street parking and loading zones shall be provided on the lot for all employees and visitors in accordance with this Ordinance. (See Article V, Section 2.9 for Off Street Parking Regulations and Article V, Section 2.10 for Loading Space Regulations).

## **2.11 Location**

The site shall adjoin at least one (1) of the arterial or minor collector streets as indicated in the Comprehensive Plan or be reasonably near, so that the access drive or drives can be satisfactorily arranged to avoid traffic on local residential streets.

## **SECTION 3 I-2 -- GENERAL INDUSTRIAL DISTRICT**

### **3.1 Purpose**

The purpose of the General Industrial District I-2 is to provide sufficient space for individual industries in the City; to insure availability of land most suitable for industrial and related activities; to protect residential developments from industrial encroachment; and to ensure that industries are reasonably free from offensive noise, vibration, smoke, odor, glare, hazards or fire, or other objectionable effects.

### **3.2 Procedural Requirements**

Development in the I-2 District shall be subject to provisions and requirements for land developments as delineated in the City of Hazleton Subdivision and Land Development Ordinance.

### **3.3 Permitted Uses**

- All permitted uses in the I-1 Light Industrial District, except that no use is required to be within an approved Planned Industrial Development
- Coal storage
- Gas manufacture, storage
- Manufacture of heavy mechanical equipment or machinery
- Manufacture of heavy electrical equipment or machinery
- Bulk manufacture of chemicals that are not identified as hazardous by the PA Department of Environmental Resources or U.S. Environmental Protection Agency
- Manufacture of plastics, polymers, resins and vinyl
- Manufacture of gypsum, concrete or plaster products
- Manufacture of abrasive or nonmetallic mineral products

### **3.4 Accessory Uses**

- All accessory uses permitted in the I-1 District

### **3.5 Use By Special Exception**

- Mineral extraction
- Solid waste disposal facility
- Manufacture of paints, varnishes, enamels and solvents
- Junkyard or scrap metal storage

- **Manufacture of primary metal products (as opposed to fabricated)**
- **Tire retreading**
- **Slaughterhouse, meat packing plant, stockyard, animal husbandry or animal feed mill**

### **3.6 Area And Bulk Regulations**

**All of the area and bulk regulations of individual lots in the I-1 District shall also apply to individual lots in the I-2 District, except that there is no minimum tract size. Also, Article V, Section 2.20, "Setbacks from Dwellings and Residential Districts" shall also apply to the I-2 District.**

### **3.7 Off-Street Parking And Loading Zones**

**Adequate off-street parking and loading zones shall be provided on the lot for all employees and visitors in accordance with this Ordinance (see Article V, Section 2.9 for Off Street Parking Regulations and Article V, Section 2.10 for Loading Space Regulations).**

### **3.8 Location**

**The site shall adjoin at least one (1) of the arterial or minor collector streets as indicated in the Comprehensive Plan or be reasonably near so that the access drive or drives can be satisfactorily arranged to avoid traffic on local residential streets.**

**ARTICLE V**  
**SIGNS AND SUPPLEMENTARY REGULATIONS**

**SECTION 1 SIGN REGULATIONS**

**1.1 General Rules**

The following sign regulations shall be observed in all districts:

- a. **No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices shall be allowed without blocking vision of vehicular traffic and not in the municipalities right of way.**
  
- b. **The following shall not be subject to these regulations:**
  - o **Signs of a duly constituted government.**
  - o **Flags or emblems of a political, civic, philanthropic, educational or religious organization.**
  - o **Signs identifying architect, engineer or contractor when placed on a construction site and not exceeding 12 square feet in area only during the construction process.**
  - o **Name plates less than one-half square feet in area.**
  - o **Signs not exceeding two sq. ft. in area used for the identification, protection, or operation of public utility facilities.**
  - o **Political signs.**
  - o **Real estate sale signs.**

## 1.2 Business Sign Regulations

The following requirements shall be observed as specified for each district.

### 1.2.1 Business Signs in Residential Districts

Only one sign, not to exceed two square foot in area, shall be permitted for each home occupation.

### 1.2.2 Business Signs in Commercial Districts

The following shall be observed:

#### 1.2.2.1 Parallel Signs

Signs mounted parallel to a wall shall not project more than 24 inches therefrom and shall conform to the following maximum regulations:

<u>Permitted</u>		<u>District in Which Permitted</u>	
a.	Area	60 sq. ft. 100 sq. ft.	CC CH
b.	Height		
	(1)	Sign may not extend within 1 inch from curb line or roof line (height)	All C Districts
	(2)	Height of signs	5 feet CC 6 feet C-H
c.	Number Permitted	1 per premises	All C Districts

#### 1.2.2.2 Projecting Signs

Signs attached to a wall at an angle 90 degrees with the surface of such wall shall not project more than six feet therefrom and shall conform to the

following maximum regulations:

		<u>District in Which Permitted</u>
a.	Area 36 sq. ft. on each face 36 sq. ft. total or 18 sq. ft. on each face	C-H C-C
b.	Height	
	(1) Top of Sign - 6 ft. above roof line	CC and CH
	(2) Height of signs 5 feet	CC
	6 feet	C-H
c.	Number Permitted 1 per premises in lieu of parallel signs, or shared in area and other requirements with parallel signs	CC and CH

### 1.2.2.3 Free Standing Signs

Signs which are self-supporting, free-standing structures not attached to any wall shall be located at least ten feet from any lot line and shall conform to the following maximum regulations:

		<u>District in Which Permitted</u>
a.	Area 24 sq. ft.	CH
b.	Height	
	(1) Height of 15 feet (maximum) sign	CH
	(2) From curb minimum 2 ft. level to bottom of sign	CH
c.	Number Permitted 1 per building	CH

### 1.2.3 Business Signs in Industrial Districts

The following shall be observed:

#### 1.2.3.1 Parallel Signs

Shall conform to the following:

			<u>District in Which Permitted</u>
a.	Area	160 sq. ft	I-1 and I-2
b.	Height		
	(1)	From curb 4 ft. (min.) level to bottom of sign	I-1 and I-2
	(2)	Sign may not extend above the roof line	I-1 and I-2
c.	Number Permitted	1 per building	I-1 and I-2;

#### 1.2.3.2. Projecting Signs

Shall not be permitted.

#### 1.2.3.3. Free Standing Signs

			<u>District in Which Permitted</u>
a.	Area	30 sq. ft.	I-1 and I-2
b.	Height		
	(1)	Height of sign 18 feet	I-1 and I-2
	(2)	From curb level to bottom of 4 feet sign	I-1 and I-2
c.	Number Permitted	1 per lot	I-1 and I-2

### 1.3 Advertising Sign Regulations

### 1.3.1 Advertising Sign In Residential Districts

Advertising signs shall not be permitted in Residential Districts except Real Estate signs and Construction sign during construction period.

### 1.3.2 Advertising Signs In Commercial and Industrial Districts

The following shall be observed:

#### 1.3.2.1 Parallel Signs

Parallel signs shall conform to the following:

			<u>Districts in Which Permitted</u>
a.	Area	6 sq. ft.	CC, CH and I-1, I-2
b.	Height		
	(1) height of sign	6 feet	CC, CH and I-1, I-2
	(2) From curb level to bottom of 6 feet sign		CC, CH and I-1, I-2
c.	Number Permitted	1 per lot	CC, CH and I-1, I-2

#### 1.3.2.2 Free Standing Signs

See parallel signs

#### 1.3.2.3 Billboards

Billboards shall be permitted only in I-1 and I-2 Districts, shall conform as to size to nationally accepted standard dimensions, and be located either on a vacant lot or on lots developed to less than two-thirds of the permitted lot coverage.

### 1.4 Temporary Sign Regulations

The following shall be observed in all districts:



**Temporary Signs** - Temporary signs may be erected in addition to the permanent signs permitted by this ordinance, subject to the following requirements:

- (a) The regulations regarding the type, location and size of a temporary sign shall be the same as those applied to a permanent sign contained in this Article.
- (b) One temporary sign is permitted on each street frontage of a lot for every 200 feet of street frontage regardless of the number of occupancies. The total area of such signs shall not exceed the maximum permitted under (a) above.
- (c) A temporary sign may be erected for not longer than one month. Temporary signs may not be erected on any property more frequently than three times per calendar year. No temporary sign may be placed on any property unless at least 60 consecutive days have passed since a temporary sign was last erected on the property.
- (d) Lights for temporary signs which are located in any residential zone or within 75 feet of a residential zone shall be extinguished between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m.
- (e) No temporary sign shall be erected unless the property owner or lessor has registered it with the City and received the appropriate permit.

#### **1.5 Illumination of Signs**

- a) Flashing and intermittent lights are permitted only in Commercial or Industrial zones.
- b) A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence, or so it does not obstruct the vision of motorists.

- c) Signs which are illuminated in the colors, red, green or amber, either by colored bulbs or tubing, or which produce high reflection through the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device.
- d) Lighted signs and billboards, not illuminated from within, shall utilize top mounted shielded light fixtures only.

#### **1.6 Bunting & Pennants**

Bunting and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.

#### **1.7 Termination of Enterprise**

Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

#### **1.8 Projection of Signs**

No sign may project:

- (a) Over a public sidewalk with a height level from curb level to the bottom of the sign of less than 10 feet.
- (b) Over a public highway or street unless specifically authorized by other City or State regulations.
- (c) More than twenty-five (25) feet above the ground except for an attached sign which may project six (6) feet above the roof of a building providing the sign so placed does not project more than thirty-five (35) feet above the ground.

## **SECTION 2 SUPPLEMENTARY REGULATIONS**

### **2.1 Visibility At Intersections In All Districts**

On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner which obscures vision above a height of two and one-half (2 1/2) feet measured from the centerline grades of the intersecting streets and within the area bounded by the street lines of such corner lots and a line joining points on these street lines twenty-five feet from their intersection.

#### **2.1.2 Public Utility Poles**

Public utility poles are excluded from the regulations specified in Article V, Section 2.1.

### **2.2 Stripping of Topsoil, Excavation of Clay, Sand, Gravel or Rock**

The following shall apply to all districts:

#### **2.2.1 Removal of Topsoil or Sod**

Topsoil or sod may be removed only under the following conditions:

- (a) As part of the construction or alteration of a building or the grading incidental to such building.
- (b) In connection with normal lawn preparation and maintenance on the lot from which such topsoil or sod is removed.
- (c) In connection with the construction or alteration of a street.

#### **2.2.2 Removal of Mineral Material**

The removal or sale of clay, sand, gravel, rock or other mineral shall be permitted only under the following conditions:

- (a) As part of the construction of a building or the construction or alteration of a street.

- (b) The surface of any lot shall not be graded to a level below that of adjoining streets.
- (c) Excavation shall not be conducted in any way which will leave loose boulders exposed.
- (d) Commercial mining or stripping operations shall, further, conform to all requirements of the City of Hazleton Ordinance No. 1458, Section 1 through Section 6, dated November 21, 1950 or as subsequently amended.

### **2.3 Projections into Required Yards**

Only the following structures shall be permitted in any required yard:

- (a) An open trellis, flagpole, unroofed steps, unroofed terrace, or recreation or drying yard equipment shall be permitted with no restrictions.
- (b) An open fire escape may project not more than 8 feet into any yard.

### **2.4 Accessory Uses and Structures**

#### **2.4.1 Accessory Structures, Attached**

A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

#### **2.4.2 Accessory Structures, Nonattached**

A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear yards. For all other requirements, a nonattached structure is considered a part of the principal building.

#### **2.4.3 Fences and Walls**

No fence or wall (except a retaining wall or a wall of a building permitted

under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard area. Similarly such fences or walls shall not exceed six (6) feet in height in side and rear yards in residential zones and eight (8) feet in side and rear yard areas in any other zone.

#### **2.4.4 Satellite Dish Antenna**

Any accessory structure other than an antenna used for reception of regular AM-FM signals, capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

- Such devices shall not be placed within any required setback area.
- Satellite dish antenna must be located in a side or rear yard only, except that satellite dish antennas of less than 3 feet in diameter may be roof-mounted.
- A ground-mounted dish antenna on any residential lot cannot exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
- Only one (1) antenna is permitted per building lot.

#### **2.4.5 Swimming Pools/Garden Pools**

- (1) **Location and setback** - The pool shall observe the side yard and front yard setbacks for the appropriate district. The setback from the rear property lines shall be a minimum of 10 feet for all districts. The setback shall include the deck, pad, or apron around the pool.
- (2) **Fencing/gate requirements** - Every outdoor swimming pool or garden pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than six (6) inches in any dimension; and if a picket fence is erected or maintained, the horizontal or

vertical dimension of space between pickets shall not exceed six (6) inches. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

- (3) All above ground pools with a water depth of 18 inches or greater shall have access by a removable ladder. Such pools shall be constructed so the top of the pool shall be at least four (4) feet above the ground level. If a deck or steps are constructed, then a four (4) foot fence shall enclose the pool.

## **2.5 Unenclosed Storage**

### **2.5.1 Recreational Vehicles, Trailers, Trucks and Boats**

In the R-1, R-2 and R-3 zones unregistered vehicles, recreational vehicles and trailers, and trucks with a vehicle rating over one (1) ton shall not be stored for a period in excess of three (3) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot. On-street parking of unregistered vehicles, recreational vehicles and trailers, and trucks with a vehicle rating over one (1) ton must be removed after three (3) days.

### **2.5.2 Outdoor Stockpiling**

In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.

### **2.5.3 Trash or Junk**

Except as provided in Article VIII, Section 2.14 or other City Ordinances, the accumulation of trash or junk out-of-doors for a period in excess of fifteen (15) days is prohibited in all zones.

#### **2.5.4 Utility Sheds**

Utility sheds may be erected in accordance with the following provisions:

- A utility shed shall not be erected except in the rear yard of a dwelling.
- A utility shed shall be erected not less than the side yard setback of the property and not less than 10 feet from rear property line.
- A utility shed shall not have a ground floor area exceeding one-hundred forty-four (144) square feet nor a height in excess of ten (10) feet from floor to peak.
- Only one (1) utility shed is to be allowed in conjunction with an existing garage in the rear yard area.

#### **2.6 Mobile Homes**

The following provisions shall regulate the location, placement, use, size and type mobile homes allowed within the City.

- (a) No mobile home shall be used outside of a permitted mobile home park, regulated by Article VIII, Section 2.19, to provide living quarters or space for the conduct of business, except that it may be used temporarily for office purposes during the construction of a principal building or a road, on the issuance of a temporary permit by the Zoning Officer.
- (b) Except for trailers offered for sale on trailer sales lots, the parking of a mobile home outside of a permitted mobile home park in any district for 48 hours or more, shall be prohibited.
- (c) Small utility or vacation type trailers are excluded from the provisions of regulation (b) as stated above.

(d) **Trailer parks where permitted shall observe the following requirements:**

- **No trailer park shall have an area less than five acres, nor an average gross area per trailer of less than 3,000 square feet. Every trailer shall be supplied with a potable water service and shall be connected to a sanitary sewer and an approved sewage disposal system.**
- **A safe, usable recreation area shall be conveniently located in every trailer park and shall contain a total area equivalent to an allowance of 300 square feet per trailer, which shall not be less than ten percent of the gross area of the trailer park.**
- **No trailer shall be located less than 50 feet from any abutting property.**
- **The trailer park shall be permanently landscaped and maintained in good condition.**
- **Trailer sales are prohibited in trailer parks unless special permit is granted.**

## **2.7 Garages**

**In a residential area, where a dwelling already exists, an application for the construction of a garage for the use of the occupants, for residential parking, will be allowed. To accomplish this end, the maximum lot coverage may be increased by 10 percent over the maximum lot coverage allowed in that area.**

## **2.8 Conversion of Existing Homes Into Apartments**

**Existing homes or buildings may be converted into apartments in all zoned areas except an R-1 area. However, a special permit must be obtained from the Zoning Hearing Board for any and all such conversions.**



## **2.9 Off-Street Parking**

### **2.9.1 Size of Parking Space**

Each parking space shall be at least 9 feet by 18 feet in size. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average two hundred fifty (250) square feet per required parking space.

### **2.9.2 Spaces Required**

For each building erected or enlarged, off-street parking spaces must be provided on the same or nearby premises in accordance with the following schedule:

<b><u>Type of Use</u></b>	<b><u>Minimum of One Parking Space for Each</u></b>
Dwelling, except multi-family	1/2 Dwelling unit
Multi-family dwelling Hotel, motel, tourist home, boarding home Office building	1/2 dwelling unit (i.e. Guest sleeping room; and employee on maximum shift 300 sq. ft. of gross floor area (minimum 5 spaces)
Retail store or shop	300 sq. ft. + employee on maximum shift
Eating establishments	3 seats
Bowling alley	1/5 lane (i.e. 5 spaces per lane)
Other recreational establishments	100 sq. ft. of gross floor area

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Taverns, bars, nightclubs and other similar uses	2 seats but not less than 1 space per 100 sq. ft. of gross floor area and 1 per 2 employees
Automobile repair, gasoline station	400 sq. ft. of gross floor and ground area devoted to repair and service facilities
Professional office of physician and dentist	200 sq. ft. of gross floor area
School: Elementary Other schools	Staff member plus one Space for each 20 students
Hospital, medical center or sanitarium	3 beds
Utility sub-station, utility company	800 sq. ft. of floor area
Auditorium, church, theater and other such places of public assembly	3 seats
Industrial establishments	1.5 employees on major shifts (minimum 1 space for each 5,000 sq. ft. of gross floor area)
Warehouse distribution	1,000 sq. ft. of gross floor area and each 400 sq. ft. of office sales or visitors' space
Funeral homes	100 sq. ft. of gross floor area

<b><u>Type of Use</u></b>	<b><u>Minimum of One Parking Space for Each</u></b>
Club, lodges and other similar places	100 sq. ft. of gross floor area
Drive-in establishments	50 sq. ft. of building plus 1 per each 2 employees
Child care home, Child day care center	Employee plus one (1) space for each four (4) children to be served by the facility

### **2.9.3 Location**

The parking area must be on the same or nearby premises. If on nearby premises:

- (a) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.
- (b) The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

### **2.9.4 Layout**

The parking area must be arranged so there will be no need for motorists to back over public rights-of-way, and where a parking area abuts the right-of-way line of a public street, pipe railing, post and chain barricade, raised curbs or equally effective devices must line the public right-of-way except at access points.

### **2.9.5 Paving**

All parking areas and access drives for multi-family, commercial and industrial uses including the driveway between the street line and cartway must be paved with concrete or a bituminous paving material.

### **2.10 Loading Space**

#### **2.10.1 Size and Surfacing**

The loading space must be not less than twelve (12) feet wide and fifty (50) feet long. It must be surfaced so as to be available in all weather.

#### **2.10.2 Spaces Required**

Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<b><u>Type of Use</u></b>	<b><u>Minimum of One Parking Space for Each</u></b>
<b>Commercial establishment</b>	<b>10,000 sq. ft. of gross floor area or major fraction, in excess of first 3,000 sq. ft.</b>
<b>Factory; warehouse</b>	<b>Establishment, plus an additional space for each 10,000 sq. ft. of gross floor area or major fraction, in excess of first 7,500 sq. ft.</b>

#### **2.10.3 Layout**

The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

## **2.11 Access Drives**

### **2.11.1 Width**

Within ten (10) feet of the street right-of-way line, access drives may not exceed twenty feet in width or be less than ten (10) feet.

### **2.11.2 Number**

The number of access drives may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by Special Exception for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

### **2.11.3 Offsets**

Access drives may not cross the street right-of-way lines:

- (a) Within forty (40) feet of the street right-of-way line of an intersecting street.
- (b) Within five (5) feet of a fire hydrant.
- (c) Within twenty-five (25) feet of another access drive on the same property where lot width permits.
- (d) Within three (3) feet of a property line.

### **2.11.4 Sight Distances, Slope, Cuts**

An access drive must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within twenty (20) feet of

the street.

#### **2.11.5 Construction**

Access drives shall be constructed as follows:

- (a) Entrance to the street shall be an angle of seventy-five (75) to one hundred five (105) degrees with the intersecting street.
- (b) The driveway from the cartway shall be paved with concrete or a bituminous paving material.
- (c) All curb cuts shall be properly constructed to the satisfaction of the City Engineer when curbing is provided; if curbing is not provided, then an adequate drainpipe shall be installed under a driveway where it crosses a street gutter or drainage ditch, as determined by the City Engineer.
- (d) Each driveway shall be constructed with adequate provisions for drainage.

#### **2.12 Landscaping and Buffer Yards**

Landscaping and bufferyards meeting the requirements of Section 605 of the Subdivision Land Development Ordinance shall be put in place to provide adequate buffers between differing land uses and along streets.

#### **2.13 Illumination**

When the property on which any activity is conducted is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets and shall not be of excessive brightness nor cause a glare hazardous or noxious to pedestrians or drivers at or beyond the lot boundaries. All outdoor light fixtures used for street, parking or other area type lighting shall be shielded in such a manner that the edge of the shield shall be level with or below the light sources, so that direct light emitted above the horizontal is eliminated.

The use of white strobe lighting for smokestacks, chimneys and radio, communication and television towers is prohibited.

## **2.14 Drainage**

### **2.14.1 Adequate Drainage Required**

No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times.

### **2.14.2 Building Restricted Adjacent to drainage Channels and Watercourses**

No building which is permanently attached to the ground may be erected, structurally altered or relocated on land which is subject to flooding as defined by the 100 year flood plain or delineated by soils subject to flooding as specified in Table 6, Engineering Interpretations, Luzerne County Soil Survey prepared by United States Department of Agriculture, Soil Conservation Service.

### **2.14.3 Drainage Upon Streets**

In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveway, must be at a grade in satisfactory relationship:

- With the existing street grade, or
- With the established street grade where none is established

### **2.14.4 Drainage Upon Adjoining Properties: Slopes**

In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:

- Result in a slope of more than seventy (70) percent within twenty (20) feet of a property line.

- o Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

#### **2.14.5 Obstruction to Drainage Prohibited**

The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the City.

#### **2.15 Number of Principal Uses on a Lot**

In an R-1, R-2 or R-3 residential zone, not more than one (1) principal use shall be permitted upon a lot except by Special Exception.

#### **2.16 Street Access**

The lot of any dwelling hereafter erected shall abut a public street unless otherwise authorized by Special Exception. Said street shall have a minimum right-of-way of fifty (50) feet except for adopted streets.

#### **2.17 Minimum Habitable Floor Area**

All dwelling units must conform to the minimum habitable floor area following:

- (a) Single-family Dwelling; Seven Hundred (700) square feet.
- (b) Apartment, including Multi-Family Conversions: Four Hundred (400) square feet.
- (c) Studio Apartments (1 person): Two Hundred (200) square feet.

#### **2.18 Other Improvements**

##### **2.18.1 Water Supply**

Unless a safe water supply is provided, a use certificate shall not be issued



for any principal building involving human use or occupancy. For any private water supply for a principal building involving human use and occupancy, satisfactory evidence to this effect must be submitted to the City. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

#### **2.18.2 Grading Requirements**

No cut shall exceed a ratio of two (2) to one (1) or fill, a ratio of three (3) to one (1) on any lot unless satisfactory erosion controls approved by the City Planning Commission are employed or unless a retaining wall subject to the requirements of Article V, Section 2.18.3 is supplied.

#### **2.18.4 Sidewalks**

Concrete sidewalks are required in all residential and commercial zones in accordance with the Hazleton City Street and sidewalk ordinance. Sidewalks shall not be constructed within three (3) feet of a property line.

#### **2.19 Demolition**

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

## **2.20 Setbacks From Dwellings and Residential District**

Landscaping and bufferyards shall be provided in accordance with the Hazleton Subdivision and Land Development Ordinance in instances where differing land use types are constructed adjacent to each other or where a subdivision or land development is constructed on a zoning boundary.

## **2.21 Standards For Approval of a Planned Industrial Development**

To assure that the intent and requirements of this District are complied with, review and approval of a Planned Industrial Development shall be required as a special exception use.

- A. Minimum Tract Size - Ten acres of land area within the City.**
- B. Site Plan - A generalized preliminary site plan is required in accordance with the Subdivision and Land Development Ordinance.**
- C. Information - The applicant shall present whatever information is available on the types of tenants or uses that are intended or expected in different portions of the development.**
- D. Relationship to Surroundings - The applicant shall show how the development will be coordinated with access and utilities of other portions of the I-1 and I-2 Districts and with Interstate 81 and areas zoned for industry in adjacent municipalities.**
- E. Open Space and Landscaping - The application shall show an overall plan of open spaces and landscaping. This plan shall be carried out through a system of deed restrictions on each lot.**
- F. Access -**
  - 1. Coordinated Access - Any Planned Industrial Development shall make the absolute maximum use possible of interior streets, as opposed to numerous driveways entering onto an arterial street. Deed restrictions shall be placed on any individual lots**

that abut an arterial street to require access to the interior street system only.

2. **Access to Other Than Arterial Streets** - Based upon any PennDOT review comments, the Comprehensive Plan and reviews by the Planning Commission, City Council, Police Chief, and City Engineer, the Zoning Hearing Board may require that a Planned Industrial Development not have any direct access that would involve left-hand turns onto and off of an arterial street (except at an intersection planned for or with an existing traffic signal) if reasonable access could be provided off of and onto a collector or suitable local street.
3. **Easements for Access** - The Zoning Hearing Board may at the time of approval of a planned industrial development require a lot or tract to grant an easement for vehicular traffic to adjoining tracts to allow an efficient interior access system.

- G. **Staged Construction** - If development is to occur in progressive stages; each stage shall be planned and occur so that the purposes and requirements of this Ordinance are fully complied with at the completion of each stage.
- H. **Lot Regulations** - Any lot proposed to be created presently or in the future within a planned business development, shall be capable of complying with the lot and area regulations of this District.
- I. **Information on Covenants** - A Planned Industrial Development should include a reasonable set of deed restrictions or covenants imposed by the developer on each lot. These covenants should cover types of uses, maintenance of lots, and industrial operations with a proper means for enforcement. The covenants should also be written to carry out the purposes and requirements of a Planned Industrial Development. The general substance of these covenants should be presented before a Planned Industrial Development is approved.
- J. **Highway Access Points** - The minimum distance between access

**points within a planned industrial development from the development to an arterial street shall be 500 feet.**

**ARTICLE VI  
MODIFICATIONS AND NONCONFORMITIES**

**SECTION 1. MODIFICATIONS**

**1.1 Setback Modifications**

**1.1.1 Front Setbacks From Major Thoroughfares**

For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, all new buildings along these thoroughfares must be set back at least fifty (50) feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any street or road so designated by the City Planning Commission or as specified in the City of Hazleton Comprehensive Plan.

**1.1.2 Front, Side and Rear Setback of Buildings in Developed Areas**

Where at least two (2) adjacent buildings within one hundred (100) feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum setback for the property.

**1.1.3 Setback on Corner Lots**

In the case of corner lots, two (2) front yards shall be provided (the second of which will exist in lieu of one (1) side yard).

**1.1.4 Exceptions for Accessory or Appurtenant Structures**

All yards and open areas shall be maintained with no portion of such area utilized for building or structures. The following structures and uses shall be the only exceptions to this:

Permanent-roofed accessory structures allowed in rear yards (52.4).

Access Drives

**Antennas**  
**Arbors and/or trellis**  
**Awnings**  
**Barbecues and/or outdoor fireplaces**  
**Chimneys**  
**Cornices and/or gutters**  
**Decks and Patios**  
**Driveways**  
**Fences and/or retaining walls**  
**Fire Escapes**  
**Flagpoles and/or clothesline**  
**Poles, gardens and/or cultivated fields**  
**Grounds used for games**  
**Lamp post**  
**Mail box**  
**Outdoor furniture**  
**Playground equipment**  
**Ponds and/or streams**  
**School bus shelters**  
**Sidewalks**  
**Steps**  
**Telephone booths**  
**Temporary structures**  
**Tree wells**  
**Utility meters**

## **1.2 Modification of Maximum Height Restrictions**

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- o Structures such as chimneys, standpipes, flagpoles, television antennas (for permitted uses in the C-C, C-H, I-1 and I-2 zones only) or radio towers.

- o Structures on buildings such as clock or bell towers, church steeples, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25) percent of the roof on which they are located.
- o Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

### **1.3 Solar and Wind Energy Facilities**

- (a) **Solar Energy Systems** - Solar energy systems shall be permitted relief from previously stated limitations to the following extent:

#### **1. Setbacks**

- o Architectural features needed for the operation of active or passive solar energy systems, including, but not limited to, canopies, eaves, overhangs, detached solar collectors, reflectors, piping and movable insulation may be permitted to extend up to ten (10) feet into required yard areas when these devices are a functional component of the space heating or domestic hot water system of the principal building lot.
- o The rear or side yard setbacks required may be reduced to zero in order to allow the siting of solar energy systems, provided that:
  - No portion of the structure or architectural features project over the property lines.
  - Exposure protection between structure is provided according to the specifications of all applicable fire and safety regulations guaranteeing emergency access, light and ventilation.
  - The placement of all structures, building materials, and

finished wall construction along the lot lines, does not interfere with traffic along adjacent or intersecting rights-of-way or with the site distance at intersections.

- No other design can be shown to meet the requirements of the Zoning Ordinance and provide the same solar energy utilization.
- Existing solar energy systems will not be substantially impaired by shadowing more than ten (10) percent of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21st) day.

## **2. Building Height**

- o Solar energy collection equipment, solar energy reflectors, or solar energy storage racks extending no more than ten (10) feet above the highest point of the roof.

## **3. Lot Coverage**

- o Solar collectors and/or solar energy systems shall not be included in their lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.

## **4. Wind Energy Systems**

- o Wind energy systems shall be permitted relief from previously stated limitations to the following extent:

### **1. Setbacks**

- o The setbacks from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor plus ten (10) feet.



**2. Building Height**

- o The height is not restricted unless there is an adverse effect upon the character of the neighborhood or television interference or significant amounts of noise are generated by the unit.

**3. Access**

- o Climbing access to the tower is secured from use by unauthorized persons.

**1.4 Buildings Under Construction**

If the construction is completed by one (1) year after the effective date of this Ordinance, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

**1.5 Subdivision of Developed Lots**

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance, except where a new lot is formed from a lot with an existing approved nonconformity and no new nonconformity is created in any lot by the formation of the new lot.

**1.6 Status of Subdivision or Land Development Plan**

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in

accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided.

However, if an application improperly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or disapproved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or Plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three years from such approval. Where final approval is preceded by preliminary approval, the three year period shall be counted from the date of the preliminary approval.

#### **1.7 Lots of Record**

On a lot where adjacent lots or land were not owned by the said lot owner or owners, both on the effective date of this Ordinance and on the date of the request for the erection of a building or otherwise, which does not fulfill the regulations for the minimum lot area and/or lot width or depth for the zone in which it is located, a building may be erected, altered or used and any conforming or permitted use may be established, providing the setback requirements conform with the average established by existing uses in the neighborhood, excepting, however, those lots covered under Article VI, Section 1.6 hereof.

### **SECTION 2 NONCONFORMITIES**

#### **2.1 Statement of Intent**

- o The zoning districts established by this Ordinance are designed to guide future use of land in the City by encouraging the

development of desirable residential, commercial and manufacturing areas, with appropriate groupings of compatible and related uses, to the end promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

- o To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and uses which do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the City.
- o Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, lot coverage, or building height are deemed to be nonconforming.
- o To avoid undue hardship, nonconforming uses of land, buildings, and structures shall generally be permitted to remain; the purpose of regulating nonconforming is to restrict further investment, when economically reasonable, in such nonconforming uses; exceptions shall be made in these instances where extensive investment is involved to avoid any unnecessary harassment in the use of such facilities.
- o To avoid any undue hardship, nothing in this Ordinance shall be deemed to require any change in plans, specifications construction or intended use of any building or structure for which plans, specifications, and contract negotiations, or construction started, prior to the effective date of this Ordinance, or amendments thereof.

## **2.2 Identification and Registration**

- **The owner of the premises occupied by a lawful nonconforming use existing on the effective date of this Ordinance shall secure a certificate of nonconformance which shall be for the purpose of insuring the owner of the right to continue the nonconforming use.**
- **An application for a certificate of nonconformance shall be made to the Zoning Officer by the owner of any property which, at the time of the effective date of this Ordinance, does not conform to the provisions of this Ordinance. Such application shall be made within ninety (90) days after the effective date of this Ordinance, and the certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property and shall include a sketch of the land and improvements covered by the certificate of nonconformance. This sketch may be either on the back of the certificate of nonconformance or may be a map or sketch attached to the certificate of nonconformance. If desirable or required, photographs may also be made a part of the record.**
- **All forms for applications and certificates on nonconformance shall be supplied by the Zoning Officer on request. Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer.**
- **Failure of an owner to secure a certificate of nonconformance by timely application shall create a presumption that the nonconforming use of his building did not exist on the effective date of this Ordinance.**

## **2.3 Nonconforming Uses**

### **2.3.1 Continuation**

**Lawful uses located either within a building or other structure, or part**

thereof, or on the land, or in a combination of both, which at the effective date of this Ordinance or subsequent amendments thereto, become nonconforming may be continued so long as they remain otherwise lawful, subject to the following regulations:

### **2.3.2 Expansion and Alteration**

**Nonconforming land use shall not be expanded or altered to occupy a greater area of land than was occupied at the effective date of this Ordinance, or amendments thereto, except that additional land may be acquired to provide off street parking, loading and unloading facilities, and to improve safety conditions in a location.**

- (a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.**
- (b) The total of all such expansions or alterations of use shall not exceed an additional thirty-five (35) percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.**
- (c) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.**
- (d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.**
- (e) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.**
- (f) Landscaping and bufferyards shall be provided in accordance with the**

**Subdivision and Land Development Ordinance.**

- (g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.**

**2.3.3 Replacement**

- o Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one nonconforming use by another nonconforming use provided however, that the proposed nonconforming use will have no more adverse effect upon adjacent property than the existing nonconforming use. The evaluation of adverse effect shall include, but shall not be limited to the following:**
  - (a) Signs and lighting**
  - (b) Extent and appearance of structures**
  - (c) Traffic generation and movement**
  - (d) Parking and loading**
  - (e) Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes, or storm water runoff**
  - (f) Fire, explosion or other hazards**
  
- o Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one dimensional nonconformity by another dimensional nonconformity provided however, that the proposed nonconforming use will have no more adverse effect upon adjacent property than the existing nonconforming use. The evaluation of adverse effect shall include, but shall not be limited to the following:**
  - (a) Signs and lighting**
  - (b) Extent and appearance of structures**
  - (c) Traffic generation and movement**
  - (d) Parking and loading**
  - (e) Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes, or storm water runoff**
  - (f) Fire, explosion or other hazards**

- Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of one dimensional nonconformity by another dimensional nonconformity provided that such replacement does not create new dimensional nonconformities or further increase existing dimensional nonconformities.

#### **2.3.4 Moving**

Nonconforming uses of land, shall not be moved in whole, or in part, to any portion of the land plot not occupied by such use at the effective date of this Ordinance, and amendments thereto.

#### **2.3.5 Restoration**

In the event that any nonconforming use of land in any district is destroyed, or partially destroyed by fire, explosion, or other disaster, or otherwise damaged to the extent of 75% or more, or an appraised replacement value of the improvements, facilities, apparatus equipment including vehicles, and stored materials, such nonconforming use shall terminate at the time of destruction and the land shall revert to conforming uses under the regulations of this Ordinance, and amendments thereto.

#### **2.3.6 Discontinuance**

In the event that a nonconforming use is discontinued, the following provisions shall apply.

- When nonconforming use of land ceases, and operations discontinued for a period of 12 calendar months, or more, the subsequent use of such land shall revert to conform to the regulations of this Ordinance, and amendments thereto.
- If a nonconforming use of a building or part thereof ceases and discontinues operations for a period of more than twelve calendar months, any subsequent use of such building or part thereof shall conform to the regulations specified in this

**Ordinance.**

### **2.3.7 Reversion**

**No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity. This section shall not preclude a property owner from applying for, or securing, a variance or special exception pursuant to the requirements of this Ordinance.**

## **2.4 Nonconforming Buildings and Structures**

### **2.4.1 Continuation**

- **Buildings in existence on the effective date of this Ordinance and which do not conform to the area and bulk regulations of this Ordinance applicable to the districts in which they are located, may be continued, so long as they remain otherwise lawful, subject to the following regulations:**

### **2.4.2 Expansion and Alteration**

- **Nonconforming buildings and structures shall not be expanded, nor altered to occupy a greater area than was occupied at the effective date of this Ordinance, except where substantial investment in buildings and structures would place undue financial burden on the owners.**
- **Expansion or alteration shall be permitted to eliminate undue financial burdens, prevent loss of employment, and employment opportunities; provided such expansion or alteration generates no nuisance factors such as excess noise, odorous fumes, fire hazard, or health hazard, and any such expansion or alteration shall be a continuation of existing buildings and structures, and be so constructed as to maintain the aesthetic values of the location.**



- o The Zoning Hearing Board may permit the expansion or alteration of a nonconforming structure in accordance with the provision of Article VI, Section 2.3.2.

### **2.4.3 Moving**

Should any nonconforming building or structure be moved, in whole or in part, for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **2.4.4 Restoration**

- o When a nonconforming building, or structure is destroyed, partially destroyed by fire, explosion, or other disaster, is otherwise damaged to the extent of 75% of the appraised replacement value of such building or structure, such nonconforming building, or structure shall not be restored, or rebuilt, except in such manner as to conform to the regulations of this Ordinance, and amendments thereto.
- o When a nonconforming building or structure is partially destroyed by fire, explosion, or other disaster to less than 75% of its appraised replacement value, it may be restored to its original use, but in accordance with the codes of the Ordinance.

### **2.4.5 Discontinuance**

If a nonconforming building, or structure remains unused, or unoccupied for a period of 12 calendar months, or more without being properly maintained for further original uses such building, or structure, shall be made to conform to the regulations of this ordinance, and amendments thereto.

### **2.4.6 Reversion**

No nonconformity shall, if once changed to conform to the regulation of this Ordinance, be changed back again to a nonconformity. This shall not

preclude a property owner from applying for, or securing, a variance or special exception pursuant to the requirements of this Ordinance.

## **2.5 Nonconforming Lots of Record**

- In any district, in which single-family houses are permitted, notwithstanding the minimum lot area and minimum lot width limitations imposed by other provisions of this Ordinance, a single-family house and customary accessory buildings may be erected on any single lot of record lawfully in existence at the effective date of adoption or amendment of this Ordinance, provided that all required yards and setbacks are complied with and the minimum lot area and minimum lot width are each a minimum of 70 percent of what would otherwise be required.
- In any district in which single-family detached houses are not permitted, notwithstanding the minimum lot area and minimum lot width requirements of this Ordinance, only one principal use, which shall be permitted by right use in that district and its customary accessory uses may be erected on a single lot of record lawfully in existence at the effective date of adoption or amendment of this Ordinance, provided that all required yards and setbacks are complied with and the minimum lot area and minimum lot width are each a minimum of 70 percent of what would otherwise be required.
- For approval of a principal use or building on a nonconforming lot, the following conditions shall be met:
  - The nonconformity shall not have been self-created
  - Contiguous nonconforming lots under common ownership shall be considered one lot.

## **2.6 Nonconforming Signs**

### **2.6.1 Continuance**

Signs, in existence at the effective date of this ordinance or amendments thereto, shall be subject to the following regulations:

### **2.6.2 Moving**

No nonconforming sign shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto, unless it can be made to conform to all the regulations of this Ordinance.

### **2.6.3 Structural Alterations**

A nonconforming sign on a nonconforming use may be continued, but the area of such sign or signs shall not be increased and such sign or signs shall not be structurally altered, except where safety requires it.

### **2.6.4 Restoration**

In the event that any nonconforming sign is damaged to the extent of 25 percent of its cost of replacement, at the time of destruction, such sign shall not be restored nor replaced.

### **2.6.5 Signs of Discontinued Uses**

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

### **2.6.6 Discontinuance of Signs**

All presently existing signs which conformed to the Zoning Ordinance prior to the effective date of this Ordinance, but which fail to conform to the provisions of this Ordinance, shall be deemed nonconforming and shall be removed at the owner's expense within five years of such effective date, except freestanding signs, which are nonconforming only because of height.

**Any property owner for each piece of property has the option to continue to use one presently existing sign that is not conforming per lot with the present ordinance, provided that the one nonconforming sign was registered by its owner as nonconforming with the Code Enforcement Office of the City of Hazleton, Pennsylvania. The property owner may repair and maintain this one nonconforming sign, but not change its physical size or any written message or logo thereon. This one nonconforming sign is permitted to exist only so long as it is related to the specific use of the property on which it is located.**

**ARTICLE VII  
ZONING HEARING BOARD**

**SECTION 1 POWERS AND DUTIES - GENERAL**

**1.1 Membership of Board**

The membership of the Board shall, upon the determination of the governing body, consist of either three (3) or five (5) residents of the Municipality appointed by the Mayor.

The term of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one member of a five member board shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The mayor shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this Section. The Board shall promptly notify the mayor of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Municipality.

The mayor may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906, of Act 170 an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise municipality, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a

voting alternate member.

## **1.2 Organization of Board**

The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but where two (2) members are disqualified to act in a particular matter, the remaining member may act for the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Article VII, Section 2. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

## **1.3 Powers**

The Zoning Hearing Board has the following power:

- (a) **Interpretation** - To interpret any provision of this Ordinance including zone boundaries.
- (b) **Special Exception** - To hear and decide special exceptions upon which the Board is required to pass under this Ordinance as per Section 74.0 following.
- (c) **Appeals** - To 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 enforcement or interpretation of this Ordinance.
- (d) **Variances** - To authorize, upon application, in specific this Ordinance as per cases a variance from the terms of Section 73.0 following.
- (e) **Rehearing** - To grant the rehearing of a case if it appears there has been a substantial change in the facts as evidence of the case as

presented at the initial hearing.

- (f) **Challenge to the Validity of the Ordinance or Map** - The Board shall hear challenges to the validity of the Zoning Ordinance or Map except as indicated in the Pennsylvania Municipalities planning Code Sections 1003 and 1104 (1)(b). In all such challenges the Board shall take evidence and make a record thereon as provided in Article VII, Section 2.0. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- (g) **Unified Appeals** - Where the Board has jurisdiction over a zoning matter, the board shall also hear all appeals which an applicant may elect to bring before it with respect to any City Ordinance or requirement pertaining to the same development plan or development. In any such case the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in Article VII, Section 2.0. At the conclusion of the hearing, the board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

In exercising the powers above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination appealed requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision or determination as out to be made.

#### **1.4 Board Calendar**

Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

## **SECTION 2 PUBLIC HEARINGS**

### **2.1 Notice; Conduct of Meeting**

Notice shall be given to the public, the applicant, the zoning officer, such other persons as the City shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or in the absence of ordinance provision, by rules of the Board. The City may establish reasonable fees, based on cost, to be paid by the applicant and by person requesting any notice not required by ordinance. In addition, to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.

The hearings shall be conducted by the Board or the 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 Board and accept the decision or findings of the decision or findings of the hearing officer as final. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

### **2.2 Representation; Statements**

Parties to the hearings shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all



persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Statements are to be made in the following order or as the Chairman may direct:

- (a) Applicant or appellant.
- (b) Zoning Officer and other Officials.
- (c) Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

### **2.3 Witnesses**

The chairman or acting chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, included by the parties.

### **2.4 Decision Procedure**

The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing, before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based there on together with the reasons thereof. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision of findings are final, the Board shall make his report and recommendations available to the parties and the

parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than forty-five (45) days after the decision of the Hearing Officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein provided, the municipality shall give public notice of said decision within ten (10) days in the same manner as provided in Article VII, Section 2.1. Nothing in this Section shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. All other persons who have filed their name and address with the Board shall be provided by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

## **2.5 Records**

The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

## **SECTION 3 VARIANCES**

### **3.1 Filing of Variances**

An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provision of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and City Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by the Board expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of authorization of the variance.

### **3.2 Standards for Variance**

Where there is unnecessary hardship, the Board may grant a variance in the application of the provision of this Ordinance provided that the following finds are made where 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 provisions of the Zoning Ordinance 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 the Zoning Ordinance and that 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, not 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.

### **3.3 Conditions**

In granting any variance, the Board may attach such reasonable condition and safeguards as it considers necessary to implement the purposes of this Zoning Ordinance.

## **SECTION 4 SPECIAL EXCEPTIONS**

### **4.1 Filing of Special Exceptions**

For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show:

- (a) Ground floor plans and elevations of proposed structures
- (b) Names and addresses of adjoining owners

Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within

six (6) months of the date of the authorization of the special exception.

#### **4.2 Temporary Special Exception**

A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is, or will be, seasonal or is, or will be, in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing, or new, which:

- (a) Is beneficial to the public health or general welfare, or
- (b) Is necessary to promote the proper development of the community, or
- (c) Is seasonal in nature

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the City.

#### **4.3 Referral To Planning Commission**

All applications for a special exception shall be referred to the City Planning Commission for a report for land development, subdivision or encroachment only.

#### **4.4 Conditions**

The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

#### **4.5 Application of Use and Lot Area Requirements**

The use and lot requirements as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no use or lot requirements are set

forth for the particular use, the Board must pose extent of use requirements as necessary to protect the public welfare and the Comprehensive Plan.

#### **4.6 General Standards**

A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

- (a) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
- (b) That adequate water supply, sewage disposal, storm drainage can be provided for and fire and police protection are or can be provided for the use; and
- (c) That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
- (d) That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
- (e) That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The application for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

#### **4.7 Special Standards**

In addition to the general standards for all special exceptions as contained in Article VII, Section 4.6 the specific standards for particular uses as listed in

**Article VIII must be met prior to the granting of a special exception.**

**ARTICLE VIII  
STANDARDS FOR SPECIAL EXCEPTION USES**

**SECTION 1 REQUIREMENT OF SPECIFIC STANDARDS**

In addition to the general standards for all Special Exceptions as contained in Section 4.0, the specific standards for the particular uses allowed by Special Exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a Special Exception for such uses in applicable zones.

**SECTION 2 SPECIAL EXCEPTION STANDARDS**

**2.1 Accessory Commercial Use**

In office centers which contain not less than 25,000 square feet, the following defined commercial accessory uses are permitted with board approval, provided that such uses shall not have exterior signs and shall not include the outdoor storage of materials, equipment, or merchandise, and total area devoted to such commercial use shall not exceed twenty (20) percent of the total gross floor area.

1. Eating facilities
2. Delicatessens
3. Pharmacies
4. Newsstand, stationery or book store
5. Gift Shop
6. Automatic laundry or dry cleaning shop or pick-up
7. Barber or beauty shops

**2.2 Apartments Located in a Commercial District**

In a C-C zone and subject to the requirements of that zone except as herein modified or provided.



o **Submission Requirement**

- A photograph, model, or architectural rendering of the type of any building or exterior alteration proposed.
- A sketch of the lot in question showing all lot lines and indicating the open area to be reserved under this Section.

o **Supplemental Standards**

- All dwelling units shall have means of outside access that is separated from access provided for commercial and office uses.
- Each floor containing apartments shall have a minimum of two fire safe exits and comply with all current codes.

o **The Zoning Hearing Board shall consider the following:**

- Whether the proposed use will be compatible with the character of any surrounding residential neighborhood.
- Whether the building will have adequate ingress, egress, and public safety.
- Whether the parking requirements of Article V, Section 2.9 can be met.

- o **Minimum habitable floor area of 600 square feet per dwelling unit, unless a larger floor area is established by another City ordinance.**

- o **Any exterior fire escape shall not be located on the front of the building.**

### **2.3 Bed and Breakfast Inn**

In R-2 and R-3 zones and subject to the requirements of these zones in which located except as herein modified and provided:

- (a) The length of stay for each guest shall not exceed fourteen (14) days.
- (b) Each residence providing bed and breakfast accommodations must be served by public water and sewer.
- (c) A minimum of one (1) parking space must be provided for each guest room.
- (d) A sign of not more than two (2) square feet may be erected to advertise such accommodations. The sign may be illuminated only by indirect lighting.
- (e) Bed and breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.
- (f) The inn must comply with local regulations regarding applicable permits, including but not limited to, fire, health, and building codes and ADA.

### **2.5 Cemetery**

In R-1, R-2 and R-3 zones and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- (b) No burial plots or facilities are permitted on floodplain land.

## **2.6 Child Care Home/Center**

In R-1, R-2 and R-3 zones and subject to the requirements of the Zone in which located except as herein modified and provided:

- (a) The use shall meet all requirements for certification by the State of Pennsylvania where required. Proof of such certification, and any recertification shall be provided to the City.
- (b) Outdoor play areas shall be sufficiently enclosed so as to protect the neighborhood from inappropriate noise and to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- (c) At least one (1) off-street parking space for each person employed.

## **2.7 Convenience Store**

In an O zone and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) Minimum lot area - Twenty Thousand (20,000) sq. ft.
- (b) Minimum lot width - Two Hundred (200) feet.
- (c) Maximum lot coverage - Fifty (50) percent.
- (d) At least one (1) parking space for every one hundred (100) sq. ft. of retail store.
- (e) Access drives must be located as follows:
  - Minimum offset from intersection of street right-of-way lines; forty (40) feet
  - Side lot line offset - Ten (10) feet
  - Minimum width - Fifteen (15) feet.
  - Maximum width - Thirty-five (35) feet

- Minimum separation of drives of same lot - Twenty-five (25) feet
  - Access onto a State highway must be approved by PennDOT
- (f) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- (g) Building area should be setback at least thirty-five (35) feet from front property line and fifteen (15) feet on each side and rear.

## **2.8 Domiciliary Care Unit (Personal Care)**

1. Applicant must secure certification with the Luzerne Area Agency on the Aging or any other official social agency.
2. The dwelling must be inspected by the Fire Chief and the Chief shall submit a written report to the Zoning Board with recommendation for fire safety equipment and any necessary recommendation to insure adequate fire protection.
3. The maximum number of unrelated persons who are eighteen years of age and above who are disabled physically, mentally, emotionally or aged, shall not exceed two per dwelling unit (room).
4. The Use/Occupancy permit shall be renewed annually, following an inspection by the Fire Chief and Zoning Officer to assure compliance.

## **2.9 Drive-Thru Facility For Any Use**

Any drive-in windows and waiting lanes shall be located and have capacity for sufficient numbers of vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets adjoining the use.

## **2.10 Group Homes, Half-Way Houses**

Subject to the requirements below, group homes or half-way houses may be authorized only in the R-3 Residential Zone.

- (a) A minimum of 350 square feet of habitable floor area must be provided for each occupant, including any staff.
- (b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if an affiliated institution provides them elsewhere.
- (c) All group quarters and group homes shall be connected to public water and public sanitary sewage facilities.
- (d) All group homes and half-way houses shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.
- (e) Group homes shall be registered and licensed by either the Federal Government or the Commonwealth of Pennsylvania and shall be in compliance with all applicable rules and regulations of the licensing body.
- (f) A group home or half-way house shall not be located within 2000 feet of any other group home or half-way house.
- (g) Off-street parking shall be provided for all group quarters or group homes based upon one (1) parking space for each four (4) occupants.

## **2.11 Home Occupations and Professions**

Subject to the requirements below, the following home occupations and professions may be authorized only in a dwelling unit in a residential or apartment or office zone.

Fine arts studios, photography, private instruction, clergy, physician, dentist, lawyer, engineer, accountant, architect, barber and beauty shop, dressmaking, steno service, consulting, or similar occupations, but excluding the following occupations or uses which shall include but are not

limited to commercial stables or kennels, real estate or insurance offices, commercial merchandising or retail activities, and any occupation that may customarily require the use of a panel truck or a delivery truck or similar vehicle.

- (a) **Employees** - No person other than a resident of the dwelling unit may practice the occupation. No more than two (2) persons shall be employed to provide secretarial, clerical or other assistance.
- (b) **Coverage** - Not more than thirty (30) percent of the ground floor area of a dwelling unit may be devoted to a home occupation or profession.
- (c) **Appearance** The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling. A name plate not larger than two (2) square feet in area is permitted. It may be illuminated only by indirect lighting.
- (d) **Parking** - Besides the required parking for the dwelling unit, additional off-street parking is required as follows:
  - 1) Three (3) space for home occupation and one (1) space for each nonresident employee, and
  - 2) Two (2) additional spaces for physician, dentist, barber or beauty shop.

## **2.12 Hospital, Skilled Health Care Facility**

In R-3 and R-2 zones and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) Lot area - One (1) acre minimum
- (b) Lot width - Two hundred (200) feet minimum

- (c) **Setbacks** - All buildings shall be located at least fifty (50) feet from all property or street lines.
- (d) **Access** shall be via an arterial or collector street as designated by the City Comprehensive Plan.
- (e) **Parking** - One (1) off street parking area for each employee and one (1) space for every 2 beds.

### **2.13 House of Worship**

In any Residential zone and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) **Side setback** - Minimum side setbacks of fifteen (15) feet (each) must be provided.
- (b) **Access** shall be via an arterial or collector street as designated by the City Comprehensive Plan.
- (c) **Parking** - One (1) off-street parking space for every four (4) adult members.

### **2.14 Junkyard, Scrap Metal Storage (Recycling Center)**

In an I-2 zone and subject to the requirements of that zone except as herein modified and provided:

- (a) **Lot area** - Ten (10) acres minimum
- (b) **Lot width** - Three hundred (300) feet minimum
- (c) **Setbacks** - Any area used for this purpose must be at least seventy-five (75) feet from any property line and one hundred (100) feet from any street line.
- (d) **The area to be used** must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction.
- (e) **Must comply** with the applicable ordinances and all other applicable State regulations.

- (f) Six (6) foot fence surrounding property.

## **2.15 Kennels and Animal Hospitals**

In C-H zone is subject to the requirements of the zone in which located except as herein modified and provided.

- (a) Lot area - One (1) acre minimum
- (b) Setbacks - All buildings, dog runs, fenced enclosures and similar structures shall be located at least fifty (50) feet from all property or street lines.

## **2.16 Medical Clinics and Facilities**

In R-3 zones and subject to the requirements of that zone except as herein modified and provided:

- (a) Lot area - One (1) acre minimum
- (b) Lot width - Two hundred (200) feet minimum
- (c) Setbacks - All buildings shall be located at least fifty (50) feet from all property of street lines.
- (d) Access shall be via an arterial or collector street as designated by the City Comprehensive Plan.
- (e) Public sewer and public water approved by the Pennsylvania Department of Environmental Resources must be utilized.
- (f) Appearance shall be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- (g) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to,



fences, walls, planting and open spaces.

(h) **Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic may be permitted as part of the clinic facility, subject to the following specific conditions:**

- 1) **All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.**
- 2) **The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.**
- 3) **Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, non-flashing and limited to an enclosed lamp design.**

## **2.17 Membership Club or Lodge**

**These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. No permanent sign advertising the sale of food or beverages will be permitted. Structures hereafter converted or erected for such use are subject to all applicable regulations for the District in which the facility is to be located.**

## **2.18 Mobile Home Park**

**In a C-H commercial zone and subject to the requirements of the zone in which located except as herein modified and provided:**

- (a) **The minimum tract area shall be ten (10) acres.**

- (b) Public sewer and public water approved by the Pennsylvania Department of Environmental resources must be utilized, and each lot must be not less than five thousand (5000) square feet in area and not less than fifty (50) feet wide at the building setback line.
- (c) Regardless of lot size, the side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12). Front yards shall not be less than ten (10) feet and in no case, shall the distance between any two (2) mobile homes be less than thirty (30) feet.
- (d) The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- (e) A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

## **2.19 Motels, Hotels and Convention Centers**

### **(a) Accessory Uses Permitted**

An auditorium, restaurant, tavern, and/or gift shop operated in connection with a hotel or motel as a clearly accessory use shall be permitted.

### **(b) Area and Bulk Regulations**

The maximum impervious coverage shall be 65 percent, unless a more restrictive requirement is stated in a district.

- (c) Each unit shall have its own toilet and bathing or shower facilities.

## **2.20 Multi-Family or Two-Family Conversion, Rooming House**

**In an R-3 zone and subject to the requirements of that zone except as herein modified and provided:**

- (a) Lot area - Ten thousand (10,000) square feet minimum**
- (b) Lot width - Seventy-five (75) feet minimum**
- (c) Side setbacks - Fifteen (15) feet (each) minimum**

## **2.21 Garden Apartments**

**In an R-2 zone and subject to the requirements of that zone except as herein modified and provided:**

- (a) Lot area - Ten Thousand (10,000) square feet minimum**
- (b) Lot width - Seventy-five (75) feet minimum**
- (c) Side Setbacks - Fifteen (15) feet (each) minimum**
- (d) Height modifications - Buildings greater than thirty (30) feet in height are permitted only if each of the setback requirements is increased by one foot for each foot by which the height of the building exceeds thirty (30) feet.**
- (e) Paved area - Thirty (30) percent maximum**
- (f) Density requirement - the maximum number of dwelling units per gross acre of land permitted for this use is fifteen (15).**
- (g) Design standards - All of the applicable General Provisions listed in article I of this Ordinance shall be enforced. This includes but is not limited to all provisions listed as applying to apartments and multi-family buildings and structures regardless of the zone referred to in a particular section.**

(h) Consideration shall be given to traffic problems. If the nature of the multi-family development is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the City Comprehensive Plan.

(i) Parking - Two (2) off-street parking per unit.

## **2.22 Parks, Community Centers and Other Open Space with Appurtenant Buildings**

In R-1, R-2 and R-3 zones and subject to the requirements of the zone in which located except as herein modified and provided:

(a) Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated by the City Comprehensive Plan.

## **2.23 Public Buildings**

In any Residential zone and subject to the requirements of the zone in which located except as herein modified and provided:

(a) Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated by the City Comprehensive Plan.

(b) Side setback - Minimum side setbacks of fifteen (15) feet (each) must be provided.

(c) Parking - One (1) off-street parking per public employee.

## **2.24 Public Utility Buildings**

In an R-3, CC, CH, O or I-1 zone and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) In an R-3 zone, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- (b) Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension.
- (c) Housed equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.

## **2.25 Mineral Extraction**

In the I-2 zone and subject to the requirements of the zone except as herein modified and provided:

- (a) Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- (b) Fencing - A six (6) foot fence that completely encloses the portion of the property in which an open excavation or quarry is located shall be provided and shall be so constructed as to have openings no larger than six (6) inches, and if pickets are used, the openings shall not exceed six (6) inches. Multi-flora planting may be used as fencing and when used the original plants must be at least eighteen (18) inches high and must be placed in a double-staggered row with no more than three (3) feet between plants.
- (c) In addition to the fencing requirements of (b), landscaping and bufferyards shall be provided in accordance with the City of Hazleton subdivision and Land Development Ordinance.

- (d) When adjacent to a residential district, no stockpiles, waste piles, processing or manufacturing equipment and no part of the open excavation or quarrying pit shall be located closer than five hundred (500) feet to the Residential District.**
- (e) From the right-of-way line of a public street or highway, no part of a quarrying or excavating operation shall be closer than one hundred (100) feet.**
- (f) Commercial Use. No part of the quarrying or excavating operation shall be located closer than two hundred (200) feet to a Commercial District.**
- (g) Where a quarry property abuts another quarry property or an operating railroad's right-of-way, no part of the operation shall be closer than seventy-five (75) feet.**
- (h) In no case shall any use permanently impede the flow of natural watercourses.**
- (i) All uses of land or processes which pollute natural watercourses are prohibited.**
- (j) All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.**
- (k) An Operations Plan shall be submitted that contains, but is not limited to, the following items:**

  - Ownership and acreage of the land proposed for use.**
  - Type of resources to be extracted or quarried.**
  - Estimated depth of the proposed operation.**
  - Location map at a scale of 1 inch = 800 feet, or less, which**

shall show:

- o The land area to be excavated or quarried with dimensions and the total property.
- o Private access roads and abutting streets and highways.
- o Abutting and/or adjacent districts and land uses.
- o Existing watercourses, and proposed alterations to assure stream quantity and quality.
- o Fencing and buffer planting. If fencing is to be vegetation, details must be given of the size and type.
- o Title, scale, north arrow, and date.
- o Ownership.

(1) A Rehabilitation Reclamation Plan shall be submitted that includes, but is not limited to, the following items:

- An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.
- A description of the location, type, extent, methods, and time schedule for the operations proposed.
- A drawing showing the location and/or proposed re-location of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
- A statement describing methods for handling operations with

respect to the "Operational Requirements", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production transportation, processing, stockpiling, storage and disposal of byproducts and wastes.

- A plan for re-use of the land after completion of the operation which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation of other correction work deemed necessary.
- (m) Within three (3) years after the termination of operations the area must be rehabilitated to conform with the Rehabilitation/Reclamation Plan as approved.
- (n) The following minimum standards must be met in the rehabilitation of the area:
- The entire area disturbed by excavating, quarrying, mining or other natural production use shall be planted in such a manner so as to control soil erosion.
  - The entire area shall be graded wherever necessary to provide for the conveyance of storm water. Finished grade shall not have a slope of less than two percent (2%) so as to provide for natural drainage.
  - Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal be delayed for more than six (6) months.
  - Where screen planting and/or fencing has been provided, the same shall remain where necessary for safety, and shall be continuously maintained in good repair.



- (o) All mining or quarrying operations and reclamation practices shall conform to the provisions of Act 147 of 1971, the "Surface Mining Conservation and Reclamation Act," as amended. Commercial mining or Stripping pits shall, further, conform to all provisions of the City of Hazleton Ordinance No. 1458, Section 1 through 6 dated November 21, 1950 or as subsequently amended.

## **2.26 Retirement Village**

In R-2, R-3, or O zones and subject to the requirements of that zone except as herein modified and provided:

- (a) Minimum lot area - Five (5) acres minimum.
- (b) Minimum lot width - Two hundred (200) feet maximum.
- (c) Maximum dwelling unit density - Sixteen (16) dwelling units per acre.
- (d) Lot coverage shall not exceed thirty-five (35) percent.
- (e) A maximum of twenty-five (25) percent of the lot area shall be landscaped with trees and shrubbery.
- (f) Required parking:
  - Per dwelling unit - one and one-half (1-1/2) spaces.
  - Personal care and medical care facilities - One (1) space per facility employee and one (1) space per two (2) beds.
  - Parking aisles shall be at least twenty-four (24) feet wide.
- (g) Public water and sewer is required.
- (h) No structure shall be closer than fifty (50) feet to any lot or street line.

- (i) Buffers and screens shall be provided along the boundary lines and between dwelling structures as necessary for adequate privacy and protection. This includes, but is not limited to fences, walls, planting and open spaces. buffers shall not be less than twenty-five (25) feet in width.
- (j) Direct access to an arterial or collector road as designated in the City Comprehensive Plan.
- (k) All proposed streets and access drives should follow the provisions of the street design requirements of the Subdivision and Land Development Ordinance (Sections 505-507 and 602-606).
  - One (1) overhead street lamp per ten (10) parking spaces for each facility and multi-family dwelling complex. Residential lighting shall be provided for single-family detached dwellings.

## **2.27 Solid Waste Disposal Area or Facility**

In the I-2 zone and subject to the requirements of that zone except as herein modified and provided:

- (a) Intent - The intent of these standards are not in any way to pre-empt or reduce state regulations, but instead to address local land use oriented concerns.
- (b) All solid waste storage, disposal, and incineration shall be at least 300 feet from any public street or exterior lot line.
- (c) All areas to be used for the storage, disposal, or incineration of solid waste shall be a minimum of 500 feet from any residential district or publicly owned park, or any existing residential use that the applicant does not have an option to buy, or the banks of any nonintermittent creek or river.
- (d) The site shall contain a sufficient number of access points, each with a minimum cartway width of 30 feet.

- (e) Any burning or incineration shall be carried out in a completely enclosed incinerator approved by DER. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.**
- (f) The site shall be selected and designed by a registered professional engineer with proven experience in solid waste disposal planning and operation. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable state and federal regulations.**
- (g) Open dumps and open burning of refuse is prohibited.**
- (h) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing trash hauling trucks through or alongside existing residential or residentially zoned areas.**
- (i) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the proposed use would not significantly impact negatively on dwellings or neighborhoods.**
- (j) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not be a hazard to groundwater quality or create noxious smells off of the tract.**
- (k) A chain link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children. Earthen berm or evergreen screening shall be used to prevent the landfill operations from being visible from an expressway or arterial streets or dwellings.**
- (l) A minimum total lot size of 30 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a resource recovery facility or a solid waste transfer facility. For a resource recovery facility or solid waste transfer facility, a minimum lot size of ten acres is required.**

- (m) **Health Hazards** - Any facility shall be operated in such a manner to prevent the attraction, harborage, or breeding of insects, rodents, or vectors.
- (n) **Attendant** - An attendant shall be present during all periods of operation or dumping.
- (o) **Gates** - Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
- (p) **Emergency Access** - The operator of the use shall cooperate fully with local emergency services. This should include practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- (q) **Hours of Operation** - Applicants are requested to agree to limit the hours of operation to between 7:00 a.m. and 9:00 p.m.
- (r) **Litter** - The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- (s) **Radioactive and Infectious Materials** - No radioactive or infectious materials may be stored, disposed, or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- (t) **Staging** - No area larger than 40 acres shall be approved as a new or expanded disposal area for a sanitary landfill in any calendar year.
- (u) **The applicant shall provide sufficient information for the Zoning Hearing Board to determine that the requirements of this Ordinance will be met.**
- (v) **State Requirements** - Nothing in this Ordinance is intended to supersede any state requirements. It is the intent of this Ordinance

that when similar issues are regulated on both the City and state levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual state regulation preempts City regulation in some aspect.

- (w) The applicant shall enter into an agreement with the City specifying the types and frequencies of environmental monitoring that will be put into place while the use is under way and after any underground use area is closed.
- (x) A leachate treatment system or a recycling collection or processing center may be accessory uses.
- (y) **Maximum Tonnage** - Any resource recovery facility or solid waste transfer facility shall have a maximum capacity of 300 tons per day for treating, sorting, and/or disposing of solid waste.

## **2.28 Service Station - (Fuel Dispensing Facilities)**

In a CC zone and subject to the requirements of that zone except as herein modified and provided:

- (a) Buildings must be set back at least thirty-five (35) feet from the street line.
- (b) Pumps must be set back at least twenty (20) feet from the street line.
- (c) Access drives must be located as follows:
  - Minimum offset from intersection of street right-of-way lines: Forty (40) feet.
  - Side lot line offset: Ten (10) feet.
  - Minimum width: Twelve (12) feet.
  - Maximum width: Thirty-five (35) feet.

- Minimum separation of drives on same lot: Twenty-five (25) feet.
- (d) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines:
- (e) All lights must be diverted toward the gas station or downward.
- (f) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties.
- (g) At least ten (10) percent of the lot on which the gasoline station is situated must be devoted to natural landscaping.
- (h) Fuel storage tanks shall be thirty (30) feet from all lots, lines or streets.

### **2.29 Tavern**

In a C-C zone and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) Off-street parking must be provided in accordance with Article V, Section 2.9.

### **2.30 Transportation (Passenger) Terminal**

In a C-C zone and subject to the requirements of the zone in which located except as herein modified and provided:

- (a) Access shall be via an arterial or collector street as designated by the City of Hazleton Comprehensive Plan.

### **2.31 Video Arcade**

- (1) An amusement arcade or parlor may be established only in

**commercial districts.**

- (2) A code of conduct and hours of operating must be submitted by the applicant and approved by the Zoning Hearing Board and be prominently displayed within the arcade. Failure to abide by such code of conduct shall be just cause to revoke the special exception permit.**

**ARTICLE IX  
ADMINISTRATION**

**SECTION 1 ADMINISTRATION AND ENFORCEMENT**

**1.1 Administration**

**1.1.1 Zoning Officer**

**Appointment and Powers of Zoning Officer - For the administration of a zoning ordinance, a zoning officer, who shall not hold any elective office in the municipality, shall be appointed. The zoning officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The zoning officer shall administer the Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.**

**1.1.1.1 Duties**

**The duties of the Zoning Administrative Officer shall be:**

- (a) To examine all applications for zoning permits.**
- (b) To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and subsequent amendments.**
- (c) To record and file all applications for permits together with accompanying plans and documents and keep them for public record.**
- (d) To issue permits for uses by special permit only after such use or building shall have been approved by the Zoning Hearing Board in accordance with the regulation of this Ordinance.**



- (e) To inspect nonconforming uses, buildings, and lots to keep a file of such nonconforming uses and buildings as a public record; to examine them periodically, with the view of eliminating nonconforming uses under the existing laws and regulations, and to issue certificates of occupancy for them.
- (f) Upon specific request of the Planning Commission or of the Zoning Hearing Board, present such body facts, records and similar information on specific request, which will assist such body in reaching a decision.
- (g) To be responsible for keeping this ordinance and the Zoning Map, files with the City Clerk up-to-date and to include any amendments thereto.
- (h) To receive all required fees and issue all necessary stop orders.
- (i) To exercise all powers conferred upon Zoning Officer by State Law.

#### **1.1.1.1.1 Appeal**

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, may appeal in the manner set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 170, as amended.

#### **1.1.1.1.2 Notification of Violation**

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

#### **1.1.1.1.3 Forms**

The Zoning Officer must provide a form or forms prepared by the City Solicitor for:

- (a) Zoning permits
- (b) Special exceptions
- (c) Use certificates
- (d) Appeals
- (e) Variances
- (f) Registration of nonconforming uses and non-conforming structures

#### **1.1.1.1.4 Transmittal of Papers**

Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the City Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.

### **1.2 Enforcement**

This Ordinance shall be enforced by the Zoning Officer and the police department of the City of Hazleton. Any and all permits required under this Ordinance shall be granted in accordance with the rules and regulations of this Ordinance only, and/or by written decisions from the appeal agencies established by this Ordinance.

#### **1.2.1 Enforcement Remedies**

In case any building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the City Council, or with the approval of the City Council, the Zoning Officer, in addition to the other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land or to prevent in or about such premises any act, conduct, business, or use constituting a violation. The City Council or the Zoning Officer may initiate

any prosecution for violation of this Ordinance; should Council disapprove of a prosecution brought by the Officer, it shall be withdrawn.

### **1.2.2 Complaints Regarding Violations**

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

### **1.2.3 Penalties for Violations**

- (a) Any person, partnership, or corporation who or which shall violate the provisions of the Zoning Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500, unless a different maximum is permitted under applicable State Law. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. All fines collected for the violation of this Zoning Ordinance shall be paid over to the City.
- (b) The owner, general agent, or contractor of a building or premises where a violation has been committed or shall exist, the lessee or tenants of the entire building or part of building, and the architect, engineer, builder, or any other person who knowingly commits, takes part, or assists in or maintains any such violation may each be found guilty of a separate offense and suffer penalties as herein provided.
- (c) Whenever such person has 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, each day after such notification shall constitute a separate offense punishable by a like fine or penalty.
- (d) Nothing herein shall prevent the City from taking such other action as is necessary to prevent or remedy any violation.

## **SECTION 2 PERMITS AND CERTIFICATES**

### **2.1 Zoning Permit**

- (a) A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof.**
- (b) Application for permits shall be obtained from the Zoning Officer and returned to the Zoning Officer designated by the Council and shall contain all information required on the form for such officer to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this Ordinance.**
- (c) Such permits shall be granted or refused within 15 days from date of application.**
- (d) No zoning permit shall be issued, except in conformity with the provisions of this Ordinance, and amendments thereto; and/or by written decisions of the appeal agencies established by this Ordinance.**
- (e) All applications for zoning permits shall be accompanied by plans in duplicate drawn to scale and showing the following:**
  - 1. Actual dimensions and shape of lot to be built upon.**
  - 2. Exact size and location on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alterations.**
  - 3. Existing and proposed uses, showing number of families the building is designed to accommodate.**
  - 4. Any other lawful information that may be required by the Zoning Officer.**

**One copy of the plan shall be returned to the applicant by the Zoning Officer**

after he shall have marked such copy either approved or disapproved and attested to same by his signature. The second copy of the plans, similarly marked, shall be retained and filed by the Zoning Officer.

## **2.2 Use Certificates and Occupancy Permits**

A use certificate and occupancy permits certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:

- (a) Use of a structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
- (b) Use of vacant land except for agricultural purposes.
- (c) Any change in a conforming use of a structure or land.
- (d) Any change from a nonconforming use of a structure or land to a conforming use.
- (e) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

## **2.3 Erroneous Permit**

A zoning permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the City purporting to validate

such a violation.

#### **2.4 Sign Permit**

- (a) A sign permit shall be required prior to the erection or alteration of any sign, except as otherwise provided herein.**
- (b) Application for such permit shall be made in writing to the Zoning Officer designated by Council on the form supplied by the Zoning Officer, and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alteration, conforms to all the requirements of the Ordinance.**
- (c) Permits shall be granted or refused within 15 days from date of application.**
- (d) No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts.**
- (e) All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale showing the following:**
  - 1. Exact dimensions of lot or buildings upon which the sign is proposed to be erected.**
  - 2. Exact size, dimensions and location of said sign on lot or building.**
  - 3. Any other lawful information which may be required by the Zoning Officer. One copy of said plans or diagrams shall be returned to applicant by the Zoning Officer, after he shall have marked such copy either approved or disapproved, and attested to same by his signature. The second copy, similarly marked, shall be retained and filed by the Zoning Officer.**

## **2.5 Schedule of Fees**

- (a) The City Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, use certificates, special permits, sign permits, variances and other matters pertaining to this Ordinance.**
- (b) Said schedule of fees shall be posted in the office of the Zoning Officer, shall be appended to this Ordinance, and shall be altered by resolution by the City Council.**
- (c) Fees to be paid for sign permits shall be established on a basis of charge per square foot of sign area. Charges for sign permits shall be made at a progressively higher rate per square foot as relative size of sign increases.**
- (d) Permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.**

## **SECTION 3 AMENDMENTS**

### **3.1 Power to Amend**

**The regulations, restrictions and boundaries set forth in this Ordinance may, from time to time, be amended, supplemented, changed or repealed through amendment by City Council.**

**Proposed amendments, supplements or changes, or a proposal to repeal this ordinance or part thereof, must be submitted to the City Planning Commission for their finding before any further public action is taken.**

**The finding of the Planning Commission shall be submitted to Council in the form of a written report recommending or disapproving the proposed action. Failure of the Planning Commission to submit such report within 60 days shall constitute approval.**

No action may be taken to amend, supplement, change or repeal this ordinance until after a public hearing in relation thereto has been held, at which parties in interest and citizens shall have opportunity to be heard.

At least 15 days notice of the time and place of such hearing and a description of the general nature of the proposed action shall be published in a newspaper of general circulation in the City. Notice shall also be mailed to any civic association or association of residents in the City who shall have registered their name and address for this purpose with the Planning Commission.

### **3.2 Submission of Amendment Request**

Any request for amendment (including supplement, change, or repeal) except amendments proposed by City Council, the City staff, or the Planning Commission shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question whose signature shall be notarized, attesting to the truth and correctness of all the facts and information presented in the petition for change and for the purpose of defraying the cost of the proceedings prescribed herein. Any petition for amendment shall include the following:

- (a) A statement of why the change would be in the best interests of the City.
- (b) A statement of how the proposal will relate to the Comprehensive Plan.
- (c) A statement addressing any adverse affects on adjacent residences.
- (d) A statement addressing any major traffic access or congestion concerns.
- (e) A map showing the proposed boundaries of any proposed map changes, the existing and adjacent zoning and adjacent land uses.



- (f) A sketch plan showing proposed uses and buildings on land controlled by the applicant.

### **3.3 Protest Against Amendments**

Any protest against any amendment of this Ordinance, and amendments thereto, brought in the form of a petition signed by 25% of the property owners, situated within 100 feet of the protest location, shall require the favorable, affirmative, action of four (4) members of the Hazleton City Council to become an effective amendment.

### **3.4 Procedure for Amendment**

The following requirements shall be observed in making any amendment to this Ordinance:

1. The Council may, upon petition signed by the owners of a majority of the properties according to frontage in any district or portion thereof, and may upon its own initiative or upon the recommendation of the Planning Commission, prepare an ordinance amending, supplementing, or changing the district boundaries or the regulations herein established.
2. Other than recommendations for amendments originating with the Planning Commission, all proposed amendments, supplements, or changes or a proposal to repeal this Ordinance or part thereof, must be submitted to the Planning Commission for their review and recommendations prior to taking final action on such requests. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Planning Commission, consistent with and desirable in furtherance of the plan for future land use.
3. No action to amend or change this Ordinance shall become effective until after public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

### **3.5 Publication**

Upon final approval of this Ordinance or subsequent amendments thereto, adopted in accordance with the above said ordinance shall be forthwith published in accordance with State Law relating to publication of ordinances prescribing penalties.

## **SECTION 4 ADOPTION**

### **4.1 Validity**

Should any provision, section, subsection, clause or phrase of this Ordinance, or its application be declared or held, for any reason, to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **4.2 Repealer**

All ordinances or parts of ordinances in conflict with the Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.