

## **ARTICLE XIV. ADMINISTRATIVE PROVISIONS**

### **Section 1. Changes and Amendments**

1.1 Initiation of Change The Borough Council may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Borough Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the Borough Council. Petitions for a change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

1.2 Report from Planning Commission Council shall seek the recommendation of the Planning Commission in accordance with the provisions of the Pennsylvania Planning Code. Should the Planning Commission fail to state its recommendations within the period prescribed in the Pennsylvania Planning Code, the proposal shall be deemed approved.

1.3 Notices of Hearings Notice of hearings on proposed changes in the Zoning Ordinance or Zoning Map shall be given as required by the Pennsylvania Planning Code, and by distribution of notices to property owners within 100 feet of area affected by proposed Zoning District changes.

1.4 Hearing and Protest Full opportunity to be heard shall be given to any citizen and all parties in interest at the public hearing. In case of a protest against any such change or amendment, signed by the owners of thirty-three and one-third percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet there from, or of those directly opposite thereto, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds of all members of Borough Council.

1.5 Reconsideration, One Year Limitation Whenever a petition requesting an amendment, supplement of change has been denied by the Borough Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

### **Section 2. Procedures for Approval of Conditional Uses**

The procedures for approval of a conditional use are the same as those prescribed for changes and amendments, as set forth in Section 1 of this article, and in addition, the procedures and requirements for approval of site plans as set forth in this article below, together with applicable laws, regulations, and ordinances governing the subdivision of land.

### **Section 3. Procedures for Approval of Site Plans for Conditional Uses**

Where the provisions of this Ordinance require the submittal of site plans for a conditional use, the following regulations shall apply:

1. Ten copies of a preliminary site plan shall be filed with the Borough Council through the Planning Commission. The preliminary site plan shall comply with the requirements of this article, and shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Borough Council and the Planning Commission.

2. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance. Before recommending approval of a site plan, the Planning Commission may make reasonable additional requirements including, but not limited to, those which may be imposed by the Zoning Hearing Board under Article 12, Section 6, especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, access ways,

curb cuts, traffic control, height of buildings and setback of buildings, necessary to protect adjoining residential uses. The site plan shall be amended in accordance with the requirements of the Planning Commission before being submitted to the Borough Council with a recommendation for approval.

3. Following approval by the Borough Council, a final site plan in the form of a final plat shall be prepared, filed, and recorded. This final plat shall comply with the specifications of the Borough Council, the requirements of this article, and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved, filed, and recorded plats.

4. If required by the Borough Council, a surety bond shall be filed for , or deposited in escrow with the town, in an amount sufficient to insure completion of such requirements as may be imposed by the Borough Council.

#### **Section 4. Site Plan Review Required for Certain Uses**

1. For the purpose of assuring a good arrangement and appearance and insuring harmony with the Comprehensive Plan, site plans for the following major uses, not conditional uses or otherwise subject to separate procedures, shall be subject to review by the Planning Commission:

[a] Multiple-Family dwellings containing more than ten dwelling units or forming a part of a multiple-family development of two or more buildings.

[b] Town houses

[c] Churches, temples, and synagogues

[d] Any use of land located within the Flood Plain

[e] Hotels, motels, and motor lodges

[f] Business buildings, institutional buildings, places of public assembly, commercial buildings, and industrial buildings, if such buildings are to contain more than 5,000 square feet of floor area.

2. Five copies of a preliminary site plan for the above uses shall be submitted to the Administrator, who shall review the plans for compliance with these regulations and the requirements for preliminary site plans, and he shall transmit said plans to the Planning Commission with his comments for review at the next regular meeting of the Planning Commission, if the plans are submitted ten days prior to said meeting.

3. The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns, internal and external, relation to major thoroughfares, utilities, drainage, and community facilities, existing or future, the preservation of trees or historic sites, provision for open space, and in general with the objective of insuring a durable, harmonious, and appropriate use of the land in accord with the objectives of the Comprehensive Plan. No public hearing shall be required and the plans shall be returned to the applicant within ten days following the meeting as approved, approved subject to conditions, or disapproved. If specified conditions are met in revised plans, the Administrator may approve minor changes in site plans after approval by the Planning Commission and approve issuance of building permits accordingly. If, in his opinion, such changes do not substantially affect the original approval or conditions attached thereto.

4. Nothing in this section shall be interpreted to permit the granting of a variance or exception to the regulations of this Ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

## **Section 5. Requirements of Preliminary Site Plans**

The preliminary site plan shall be clearly drawn to a scale as specified below and shall show the following:

1. The proposed title of the project, and the name of the engineer, architect, and the developer.
2. The north point, scale and date. The scale of the site plan shall be as follows:
  - [a] For projects containing more than 200 acres, not more than 200 feet to one inch.
  - [b] For projects containing 50 acres to 200 acres, not more than 100 feet to one inch.
  - [c] For projects containing more than 10 acres but less than 50 acres, not more than 50 feet to one inch.
  - [d] For projects containing 10 acres or less, not more than 20 feet to one inch.
3. Existing zoning and zoning district boundaries.
4. The boundaries of the property involved, the municipal boundaries, the general location of all existing easement, property lines, existing streets, buildings, or waterways, and other existing physical features in or adjoining the project.
5. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other under ground structures in or near the project.
6. Proposed changes in zoning, if any.
7. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas [including numbers of parking and loading spaces], outdoor lighting systems, storm drainage, and sanitary facilities.
8. The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
9. Location with respect to each other and to lot lines and approximate height of all proposed buildings and structures, accessory and main or major excavations. The locations shown be drawn to scale but full dimensioning is not required on the preliminary plan.
10. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
11. General location, height, and material of all fences, walls, screen planting, and landscaping.
12. Proposed location and character of nonresidential uses, commercial or industrial uses, accessory or main.
13. General location, character, size height, and orientation of proposed signs.
14. A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, and other reservations.
15. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

The Planning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

## **Section 6. Requirements for Final Plats.**

The final plat shall comply with all laws, regulations, and ordinances governing the approval of subdivisions and in addition shall show the following:

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

## **Section 7. Amendments and Additions to Site Plans**

The procedure for amendment of the boundaries or for a change in the extent of land use for an approved site plan shall be the same as for a new application, except that minor amendments of an approved site plan, or of the conditions attached to a conditional use or site plan, may be approved by the Planning Commission at a regular meeting, after written reports by the Administrator and without a public hearing, provided that such change or amendment:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this Ordinance,
3. Does not change the general character or content of an approved development plan or use,
4. Applies to an approved condition originating with the Planning Commission and not the Borough Council,
5. Has no appreciable effect on adjoining or surrounding property,
6. Does not result in any substantial change of major external access points,
7. Does not increase the approved number of dwelling units or height of building, and,
8. Does not decrease the minimum specified yards and open spaces or the minimum specified parking and loading spaces.

## **Section 8. Certificate of Occupancy**

1. No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the Administrator.

2. No premises shall be used, and no building hereafter erected or structurally altered shall be used, occupied, or changed in use, except for agricultural uses, until a certificate of occupancy and compliance shall have been issued by the Administrator, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

3. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrator.

4. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

5. A certificate of occupancy shall be required of all nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed with the Administrator within 12 months from the effective date of this Ordinance.

## **Section 9. Building Permits**

1. The Zoning Administrator shall, before granting any building permit, require that an application for a building permit be filed on a form prescribed by him and that the application be accompanied by the required fee.

2. Building permit fees shall be based on the total cost of construction or removal of a structure, including electrical, plumbing, heating and ventilating, elevators, parking lot, driveways, landscaping, and all other items necessary for such construction or removal, such cost to be determined by contract price or prices or by estimates. Upon completion of construction or removal, payment for any additional construction costs or work unknown at the time that said permit is obtained shall be made in accordance with the building permit fee schedule.

3. The **building permit fees** shall be as follows:

Effective January 1, 2007  
Resolution No. 2006 -18

<b>Construction Costs</b>		<b>Permit Fees</b>	
\$0	to	\$1,000	\$30.00
\$1,001	to	\$3,000	\$40.00
\$3,001	to	\$5,000	\$50.00
\$5,001	to	\$7,000	\$60.00
\$7,001	to	\$9,000	\$70.00
\$9,001	to	\$13,000	\$80.00
\$13,001	to	\$17,000	\$90.00
\$17,001	to	\$20,000	\$100.00

For construction costs over \$20,000, the fee shall be \$100.00 plus \$7.00 for each additional \$1,000.00 of construction or fraction thereof.

**Zoning Permit** \$25.00

**Plumbing Permit**

- ❖ New Construction
  - Residential \$50.00
  - Commercial, Industrial, Institutional \$75.00
- ❖ Replacement
  - Residential \$15.00
  - Commercial, Industrial, Institutional \$35.00

**Electrical Permit**

- ❖ New Construction
  - Residential \$75.00
  - Commercial \$200.00
  - Industrial, Institutional \$150.00
- ❖ Replacement
  - Residential \$25.00
  - Commercial \$100.00
  - Industrial, Institutional \$75.00

**Mechanical Permit**

- ❖ New Construction
  - Residential \$50.00
  - Commercial, Industrial, Institutional \$75.00
- ❖ Replacement
  - Residential \$15.00
  - Commercial, Industrial, Institutional \$35.00

**Plan Review Fees**

- ❖ One & two family \$50.00 + \$0.10/sq.ft.
- ❖ Three or more family \$100.00 + \$0.10/sq.ft.
- ❖ Assembly \$150.00 + \$0.10/sq.ft.
- ❖ Commercial \$250.00 + \$0.10/sq.ft.
- ❖ Industrial \$250.00 + \$0.10/sq.ft.
- ❖ Institutional \$300.00 + \$0.10/sq.ft.

**Demolition Permit**

- ❖ Residential
  - First \$2500 of project cost \$25.00
  - Each additional \$1000 \$ 5.00
- ❖ Commercial
  - First \$2500 of project cost \$50.00
  - Each additional \$1000 \$ 5.00
  - Garages, Etc. \$10.00

**Driveway Permit**

- ❖ New (*Includes cost of zoning permit*) \$40.00
- ❖ Replacement \$15.00

**Fence Permit**

- ❖ New (*Includes cost of zoning permit*) \$35.00
- ❖ Replacement \$10.00

**Sidewalk Permit**

- ❖ New (*Includes cost of zoning permit*) \$45.00
- ❖ Replacement \$20.00

**Sign Permit**

- ❖ New or Replacement \$0.50 per sq.ft. plus cost of zoning permit

**Excavating Permit**

\$50.00

**Sewage Tap in Fee**

\$1250.00

**Tap in fees for Water**

<u>Size</u>	<u>Cost</u>	
¾"	\$250.00	plus time & material charges to bring to property line
1"	\$250.00	plus time & material charges to bring to property line
1 ¼"	\$500.00	plus time & material charges to bring to property line
1 ½"	\$500.00	plus time & material charges to bring to property line
2"	\$750.00	plus time & material charges to bring to property line
2 ½"	\$750.00	plus time & material charges to bring to property line
3"	\$1000.00	plus time & material charges to bring to property line
4"	\$1000.00	plus time & material charges to bring to property line
6" +	\$1500.00	plus time & material charges to bring to property line

4. No building, except for agricultural accessory buildings located on a farm and not used for dwelling purposes, shall be erected, constructed, altered, moved, converted, extended, or enlarged, without the owner or owners first having obtained a building permit therefore from the administrator, and such permit shall require conformity with the provisions of this Ordinance. When issued, such permit shall be valid for a period of six months prior to commencement of construction. Actual construction work authorized in any permit shall be completed within two years from the date of said permit, otherwise said permit shall become void.

5. Building permits shall be displayed in a prominent manner by the person or persons to whom the same have been issued, upon the building affected thereby, or in such other manner as shall give usual notice to the public thereof, and shall be so displayed from the day the building permit is issued until the day the construction or alteration for which the permit was issued is completed.

### **Section 10. Plats**

All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the Administrator showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey, a staking of the lot by a competent surveyor, and complete construction plans. The drawing shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator and a duplicate copy shall be kept at the building at all times during construction.

### **Section 11. Filing Fees**

1. All persons, firms, or corporations appealing to the Zoning Hearing Board, necessitating the publication of notice in the newspapers, shall be required to pay, in advance, the fee provided for in Article 12, Section 2 to cover all actual costs for services listed therein.

2. All persons, firms, or corporations applying for a building permit shall be required to pay the fee established.

3. All persons, firms, or corporations applying for conditional use permits under the provisions of Article 9 of this Ordinance or applying for an amendment to the Zoning Ordinance or a change in the classification of a district or a portion thereof, necessitating the publication of notices in the newspaper, shall be required to pay, in advance, \$100.00 for expenses relative thereto. No fee shall be required for actions initiated by the Borough Council or the Planning Commission.

4. The payment of such money in advance to the Borough Secretary shall be deemed a condition precedent to the consideration of such appeal, conditional use permit, or amendment. Fees shall be refunded on request if an application is withdrawn before publication.

### **Section 12. Interpretation, Purpose, and Conflict**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulation, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified R-; Single-Family Residential, until changed by amendment.



### **Section 13. Enforcement, Violation, and Penalties**

1. It shall be the duty of the Zoning Administrator to enforce the provisions of this Ordinance, and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers and employees of the Borough to assist the enforcing officer by reporting to him any seeming violation in new construction or reconstruction, or in the use of land or building.

2. In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Ordinance, the Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

3. For any and every violation of the provisions of this Ordinance the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowing commits, takes part or assists in any such violation shall be liable on conviction thereof to pay a fine or penalty not exceeding Two Hundred Fifty [\$250.00] Dollars for each and every offense; and whenever such person shall have been notified by the Zoning Administrator, or by service of summons in a prosecution, or in any other way, that such person is violating the provisions of this Ordinance, each day that shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are not collected by law.

### **Section 14. Validity**

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

### **Section 15. Repel of Conflicting Ordinances**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### **Section 16. This Ordinance shall take effect immediately.**